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A Journal of Politics and the Arts

VOLUME 240 WASHINGTON, AUGUST 12, 2009 NUMBERS 4,865 & 4,866

Once More, With Feeling!

In the last month, Michael Jackson departed us for the great Neverland in the sky, and Jon dumped Kate for a younger woman. And yet, with perhaps the grim exception of Larry King, health care reform is now dominating the media. These days, you can't turn on the news, flip through a newspaper, or open a Web browser without hearing about it. And the material is hardly frothy. Should insurance exchanges include firewalls? Should we change the Sustainable Growth Rate? Is it time to create an Independent Medicare Advisory Council? Score one for American political discourse.

And, while these discussions may not always make for scintillating television—more than one commentator came away from Barack Obama's prime-time press conference complaining about the professor-in-chief's tedious explanations—in many ways, the focus on arcane legislative details is a good thing. It's a sign that the president and Congress are serious about the issue—and dealing with it in a serious way. They're way past broad principles and slogans, deep in the weeds of writing actual legislation. And you can't get legislation right if you don't spend time working through the inevitable complications of reorganizing one-sixth of the U.S. economy.

Still, something strange, and not entirely welcome, has happened in the last few weeks: The focus on policy minutiae has crowded out part of the big picture. Health care has become almost entirely a technical discussion, rather than a personal one. It's all about deficit neutrality and bending the curve, instead of making sure every American can get affordable medical care.

Of course, it's true that reform requires more government—and large swaths of the public don't trust the government; many equate government spending with government debt, which they then equate with a bad economy. To win over these voters, Obama and his allies have rightly emphasized their determination to make sure reform pays for itself—and that, over the long term, it will reduce the cost of medical care. By its very nature, that's a complicated, technical discussion.

But the more we talk about making the numbers add up, the less we talk about what those numbers mean. One reason we're talking about reform today is that our system forces Americans to pay too much for what are, frequently, substandard results. But another, perhaps more important reason is that our system leaves a large number of Americans, including many members of the middle class, profoundly vulnerable to the effects of illness. People losing their life savings or their homes because of their medical bills, people skipping necessary care because they can't afford it—these things should not happen in a responsible, modern society. We can't stop people from getting sick, but we can stop sickness from ruining people's lives—or taking their lives away altogether.

Elevating this part of this discussion—the moral dimension—is important for at least one practical reason: It sets boundaries for what constitutes acceptable compromises from legislation. To take one recent example, there's now an intense debate on Capitol Hill over whether to phase out subsidies for insurance purchases at three times the poverty line or four. If it's three, the reform won't require spending as much government money. And that sounds like an appealing choice—until you rephrase the question in human terms. Reducing the subsidy levels to three times poverty would mean that families making more than $55,000 per year would have to pay the full cost of insurance—likely more than $10,000 per year—on their own. That's a pretty big hit, particularly after years of stagnating middle-class wages. And many families simply wouldn't be able to afford it, leaving them vulnerable to precisely the sorts of shocks against which reform is supposed to protect them.

As for the politics, a greater emphasis on morality may help there, as well. Yes, many Americans remain suspicious that Democrats who talk about morality want only to crusade on behalf of the poor—and use middle-class tax dollars to do so. But members of the middle class, even those with insurance, really do worry about dealing with medical bills they can't pay. A promise to erase that insecurity is bound to resonate with them. And, while they'll also want to be reassured about the cost of a program—a reassurance that will inevitably require some technical gobbledygook—a clean, simple message might also put their minds at ease. ◆

ROBERT NEUBECKER

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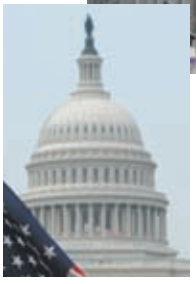

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Mind the Gap

What the right wing really thinks about inequality.

JONATHAN CHAIT

SHOULD WE CARE about economic inequality? That question is the subtext for most debates in American politics. It just remains below the surface because the party that thinks we *shouldn't* care about inequality—I'll give you one guess—has an endless string of obfuscations ("death tax," "small business," "tollgate to the middle class") to avoid admitting that it doesn't care about inequality.

There are, however, some real reasons not to care about income inequality, and right-wingers who don't have to run for public office are happy to admit it. A new paper by the Cato Institute's Will Wilkinson, which compiles all the reasons why we shouldn't worry our pretty little heads about inequality, has drawn a lot of attention. It's a usefully honest and relatively persuasive iteration of the belief system that undergirds right-wing thought.

Alas, it still isn't very persuasive. Wilkinson begins by pointing out that, while the gap between how much the rich and the non-rich earn has exploded, the gap between how much the rich and the non-rich consume has remained fairly stable. And that's true. But Wilkinson misunderstands the implications of this fact. "Suppose you made a million dollars last year and put all but $50,000 of it in a shoebox," he writes. (He must have enormous feet.) "Now imagine you lose the box. What good did the $950,000 do you?"

Wilkinson's point—money only has value if you eventually spend it—may be true. Yet most rich people don't put their money in shoeboxes. They invest it so they, their children, or young trophy wives can one day spend even more of it. And, indeed, the gap in wealth (how much money you have) has grown even faster than the gap in income. Meanwhile, the middle class has tried to keep pace with the rich by spending beyond its means, sending average household debt skyrocketing. Tell me why this should make us feel better about inequality?

Wilkinson's most interesting argument holds that material inequality between the rich and the non-rich lags behind the wealth and income gaps. For one thing, he argues that the luxury goods rich people own offer only marginal improvement over the cheap stuff that poor people own. For instance, he compares the luxurious Sub-Zero PRO 48 refrigerator to a standard IKEA fridge. Despite the vast difference in cost ($11,000 vs. $350), he writes, "The lived difference … is rather smaller than that between having fresh meat and milk and having none." He also notes that rich people have used some of their increased income merely bidding up the price of positional goods, like fancy real estate or elite college tuition, forcing them to buy the same stuff at higher prices. Wilkinson thinks this goes to show that there's "an often narrowing range of experience" between being rich and being poor, so inequality isn't that big a deal.

TRB
From Washington

In fact, Wilkinson is inadvertently bolstering the strongest liberal argument *against* inequality: it's inefficient. In case you're unfamiliar with this argument—as Wilkinson seems to be; he doesn't rebut or even mention it anywhere in his paper—it runs like this: Taking money from the rich and giving it to the poor helps the latter more than it hurts the former (at least until you create serious work-incentive effects, a point which most liberals think we're not close to). Wilkinson is saying the rich are getting little (in the case of luxury goods like refrigerators) or zero (in the case of real estate and higher tuition) actual benefit from their rising incomes. So why not take some of that income away and use it to buy extremely useful but currently unaffordable things for the non-rich, like, oh, basic medical care?

One liberal complaint about inequality holds that it increases the political influence of the rich, thereby locking in even more inequality. Wilkinson scoffs at this prospect, pointing to rich voters' support for Barack Obama over John McCain. Oddly, Wilkinson confines his analysis to campaigning and pays no attention to governing. While it's true that many rich people used their money to help bring about Democratic control of Washington, every day brings a new example of the rich using their money to ensure that Democrats pose the least possible harm to their interests. Democrats in Congress have abandoned Obama's sensible call to limit deductions for the top bracket, backed away from an upper-income surtax to pay for health care despite favorable polls, shot down bank nationalization, and on and on.

The deeper problem with Wilkinson's argument is that it assumes the natural correctness of all market-based outcomes. This is a premise you either take on faith or don't, and which undergirds most of his argument. Wilkinson assumes that inequalities arising from the market are inherently fair. Therefore, he asserts that just about the only unjust forms of economic inequality are those that spring from non-market circumstances: "[I]t's not enough to identify a mechanism of rising inequality. An additional argument is required to show that there is some kind of injustice involved."

If such injustices persist, he further argues, it's usually because the American people like it that way. Wilkinson recognizes that some liberals blame "wealthy elites," not public opinion, for the persistence of injustice. But he dismisses this complaint as a "'false consciousness'" argument by liberals "frustrated to find that [their] convictions are in the minority." So we should stop whining. Yet, later on in the same paper, Wilkinson blames the state of education on teachers' unions, and hawkish foreign policy on "special interests that stand to benefit from war." Wait, what about that false-consciousness business? Apparently, it's fair to complain about special interests when they subvert the libertarian agenda but not otherwise.

Wilkinson concludes by asserting that people should only care about their absolute well-being, not their relative well-being. But comparisons are among the best measures we have to gauge our material well-being. Ten years ago, I felt perfectly happy with my low-definition television, because high-definition hadn't come out. Today, that same television gives me slightly less enjoyment because I realize that I'm missing out on a better picture.

"How are a poor, inner-city kid's life chances affected," asks Wilkinson, "by the fact that some Web entrepreneur makes billions of dollars as opposed to just millions?" They're not. But if the Web entrepreneur has to pay a slightly higher tax rate so the inner-city kid can afford to attend a decent college, or so the kid's parents can see a dentist, how are the entrepreneur's life chances affected? ◆

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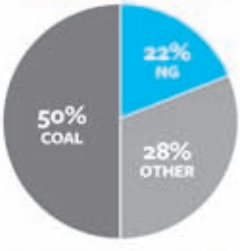

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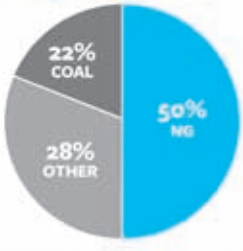

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The Mall

Blair Ghost Project

The haunting of Gordon Brown.

Gordon Brown has now been British prime minister for two years. This is hard to credit, partly because he has not fully emerged from the detachable Peter Pan shadow of Tony Blair, but mainly because he has not yet emerged from his own. He walks in a deep, impenetrable penumbra of his own making.

Luck has had something to do with this. The opportunity to strike a chord with the public has not arisen. He hasn't had a Diana moment, as Tony Blair did, or a Falklands moment, as saved Margaret Thatcher when her popularity was at a low ebb. But it's also a matter of temperament. Brown—one might say to his credit—would never have mourned Diana as the "People's Princess," nor, had he been prime minister when the British retook a small island in the South Atlantic Ocean, would he have told the nation to "rejoice."

Lacking populist instincts ought not to be considered a failing in a prime minister, even in the age of television, but trying for the common touch when you don't have it is an unpardonable folly. Brown's recent charm offensive, culminating in an attempt to smile himself into the people's affections via YouTube—grinning like a village idiot in love while discussing MPs' second-home allowances—has made even his most loyal supporters cringe. You cannot buy the love of an electorate.

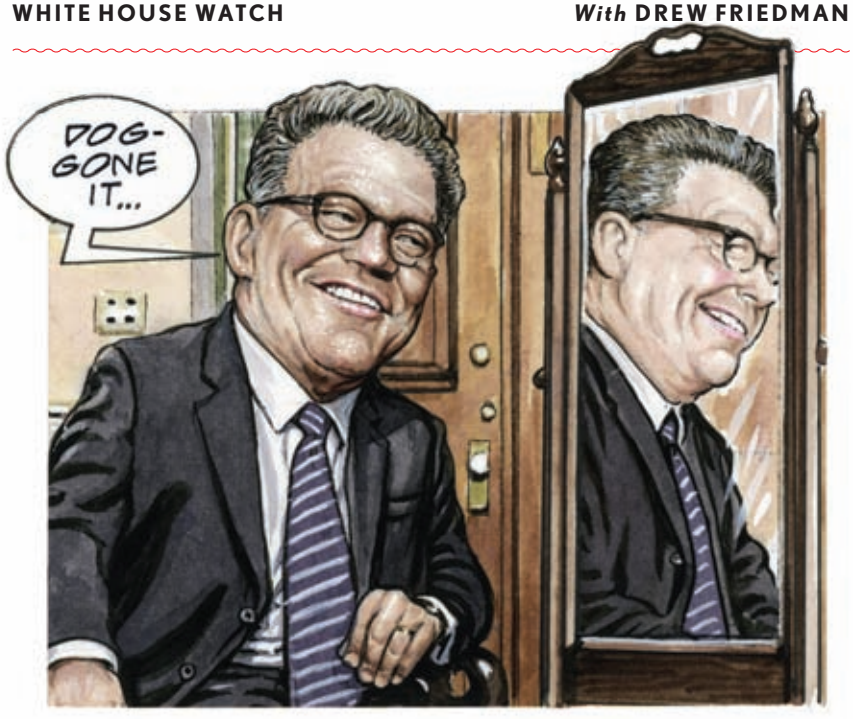
The praise that Brown has received internationally for his handling of the banking crisis has been echoed only fitfully in this country. Economic competence wins over minds, not hearts. Thomas Carlyle called political economy the "dismal science." In the ten years he worked at Blair's shoulder, successfully keeping the books, ensuring that the City flowed with Klug, Brown was gloriously, triumphantly dismal—the only person in London, it sometimes seemed, not partying. This is what you want from a chancellor of the exchequer: the colorless efficiency of a chartered accountant. And Brown had the air of a man who'd been up all night entering numbers in a column.

At first, after a decade of Tony Blair's irrepressible, quicksilver self-satisfaction, a dismal prime minister, too lugubrious and lubberly to be evasive, seemed the answer to the country's prayers. They had been a double act—comic and straight man. And we'd had enough of the comic. Fair play came into it as well. It was widely believed that the two men had struck a deal that, if they ever made it to high office, they would share the spoils. Me first, no you. But Blair had liked it too much to part with. The years went by. And all along, in the dismal gloaming, Brown nursed his thwarted genius, convinced he could prance as airily as Tony if only Tony would give way. And then, Tony did.

After all the years of facile smiling, it was good to have a prime minister to whom no smile came easily and for whom a laugh, when he remembered there was such a thing, was as a cry of pain. *The Guardian* journalist Michael White has said that Brown laughs volcanically to hide his shyness. I was on the receiving end of that faux laughter once. "You're the writer, aren't you?" he said when we were introduced, and then, "Well, keep on writing," he erupted when we parted. Unable to find any retort the equal in inanity, I laughed volcanically back.

Where Blair had been mercurial and lithe, Brown was immovable, as square and sinuous as a house. Blair had been a great waver; Brown cannot manage a wave to save his life. On the day of the

WHITE HOUSE WATCH *With* **DREW FRIEDMAN**



Al Franken practices his daily affirmations.

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historic handover, the parliamentary sketch-writer Simon Hoggart noticed him trying to lift an "unwilling arm" to greet those gathered to congratulate him, but he succeeding only in raising a hand "to hip height, as if patting a passing horse." Since then, the British public has learned how it feels to be the horse that Brown patted.

But still, we reserved our judgment. Awkwardness of manner answers to something in the British psyche. We trust it, believing it betokens forthrightness and sincerity. Brown was born in Glasgow, 58 years ago, studied for a Ph.D. in history at Edinburgh University, and was an MP first for East Dunfermline and, later, for Kirkcaldy and Cowdenbeath. These are impeccable Scottish connections, suggestive at once of old-fashioned socialism, thrift, and, of course, the Presbyterian church. A true son of the manse, he refers frequently to his "moral compass" and to the architect of that morality, his father, the Reverend John Brown, one-time minister at St. Brycedale Church.

Blair spoke publicly of God. He had us believe they talked together—Blair and God, that is, not Blair and Brown—on the eve of the invasion of Iraq. God was for it, seemed to be the suggestion. Brown gives the impression of being more moralist than mystic, more driven by socialist principle than divine inspiration. In this, he loses out both ways: Not only has he, yet again, chosen the more dismal option, he has also turned a moral spotlight on his administration which, as fresh charges of petty fiddling appear in the newspapers every day, would seem not to have a principle in its body.

In fairness to Brown, New Labour was looking pretty dog-eared when he took it over from Tony Blair. Iraq was Blair's and God's baby, though Brown had backed it. Ditto long-standing controversial legislation regarding the detention of terrorism suspects. And, for years, there had been questions about who was covertly donating how much to New Labour. Blair was seen to have cozied up to Big Business, and one Big Businessman after another had popped up at the wrong time ever since New Labour was elected. When Blair stepped down, New Labour was an unweeded garden that had grown to seed. This Brown inherited. It remained to be seen how much of a gardener he was.

Gordon Brown walks in a deep penumbra of his own making.

The answer: No sort of gardener at all. He did not know what to tear up and what to plant. He had no instinct for the seasons, talking of calling an early election and then running scared. Away from the dusty ledgers of the economy, he lacked authority and decision. Instead of the compassionate society he had promised, he raised the lowest rate at which the poor paid tax; instead of cleaning up the murky anti-terrorism legislation cobbled together after September 11, as was expected, he backed extending the period for which suspects could be detained; his decision to draw attention from the Tory Party conference by dropping in on British troops in Iraq was electioneering in the worst of taste.

Suddenly, his unwieldiness stopped striking us as funny. A tragedy was unfolding. It wasn't only the job he wasn't up to, it was his own idea of himself. He had been deluded. Most men are spared discovering how far short they fall of their self-image; they end their lives imagining what might have been if only fortune had been kinder. Brown's tragedy was that he'd been granted what he'd publicly coveted all his career, but, when the stage was finally and, as he believed, rightfully his, he fluffed his lines. And so, we asked the unaskable: Had he worn away his gifts in enmity, the man in the shadows waiting, waiting, or had he never really been there at all?

A now infamous joke tipped Brown into ridicule. Impatient with his dithering, yet again, in the matter of secret donations to the party, the Liberal Democrat MP Vincent Cable used Prime Minister's Question Time to describe Brown's "remarkable transformation in the past few weeks from Stalin to Mr. Bean." That Vincent Cable is a civil, mild-mannered, crestfallen man, only added to the torture. We couldn't even pity Brown's falling to a deadly assassin.

As the joke revealed more and more cruel felicities, the House laughed as though it meant never to stop. At a stroke, Brown was derided for the austere socialist heavyweight he had aspired to be, and for failing so spectacularly to be it. From Stalin to Mr. Bean is some descent. We heard Mr. Has-Been in the joke, and Mr. Never-Was. Blair might have laughed it off; Brown's face collapsed.

Mr. Bean's best-known misadventure has him with his head stuck up the unsavory end of a Christmas turkey. It is hard now to see Gordon Brown any other way. He has recently survived desperately bad local and European election results, a number of murmuring challenges to his premiership, and the scandal of MPs' expenses. But few expect him to win a general election. In a last bid to court popularity, he has packed himself around with celebrities from the world of reality television, inviting the judges of "Britain's Got Talent" and the host of "Strictly Come Dancing" to dinner. He is, as was Blair before him, a deeply uncultured man. It is regrettable

Department of Corrections

"Marvelously Selfish" (June 17) incorrectly described Aron as the father and Adam as the brother in *East of Eden*. In the film, Aron is the brother and Adam is the father. We regret the error.

Steve Brodner

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that he should see salvation in making a virtue of that. At least when he was dismal, he seemed serious. His dismalness, he appears to think, is his only flaw. In this, he is tragically mistaken. His dismalness is his greatest virtue. His flaw is to suppose he can, and should, pass himself off as something lighter, someone more like Tony. Thus, Tony goes on exacting his terrible revenge.

HOWARD JACOBSON

Howard Jacobson is the author, most recently, of THE ACT OF LOVE.

The Jokester

When a Ben Nelson prank gets out of hand.

IN MAY 2001, one day after the news broke that Senator Jim Jeffords was leaving the Republican Party, rumors began to spread that Nebraska Senator Ben Nelson was contemplating a move in the opposite direction. The rumors made a certain amount of sense. Nelson was a conservative Democrat and personal friend of President Bush. And Republicans were desperate to reclaim the majority they had just lost. For Nelson, the circumstances were perfect . . . to prank-call his press secretary.

He recruited the friend of one of his legislative aides to pretend to be a journalist, asking her to alter her voice to mask her identity. Nelson and his co-conspirators stood outside the Senate floor and huddled over the phone. "I just ran into Senator Nelson. He said he was going in to see Senator Lott and had agreed to switch parties," the caller told Nelson's speechless spokesman—who didn't stop stuttering in disbelief until he heard the senator crowing with laughter in the background.

Nelson—68 years old, a bit short, broad-shouldered with bushy eyebrows and a coiffed mane of gray hair—is the Ashton Kutcher of the Senate: He simply loves pulling pranks. "They never know when I'm going to strike," Nelson tells me proudly in his slow, grandfatherly Midwestern drawl. "The key is to play to their worst fears at the moment . . . what keeps them awake at night. . . . I'm selective as to my victims." Nelson has been playing practical jokes since childhood, when his antics included leaving a rubber mouse in his mother's sugar bowl. Decades later, as Nebraska's governor, his fondness for pranks landed him on a 1997 episode of "Candid Camera." Pulling aside random staffers and passersby, he told them he was thinking of renaming the state "Zenmar"—or possibly "Quentron"—and was barely able to contain himself as he watched their flabbergasted reactions caught on tape. "They thought that I had lost my mind," Nelson recalls.

Since arriving in Washington, he has pranked his Democratic colleagues with relish, frequently using his red-state roots as ammunition. While waiting to be sworn into Congress in 2001, Nelson was standing outside the Senate chamber with other freshman legislators, who were all clutching Bibles they had brought for the ceremony. Seconds before Hillary Clinton's name was called, Nelson approached her to ask which Bible passage she had chosen. "She whisked her head around in a panic—only to see Nelson laughing hysterically, because, of course, they aren't supposed to pick out a Bible verse. It's just there to place their hand on when they're sworn in," recounts Michaela Sims, a former Nelson aide.

Delighted with the results of this prank, Nelson played the same Bible-verse trick on Jon Corzine and Claire McCaskill when they were being sworn in. And, in 2005, minutes before Bush's State of the Union address, Nelson told Harry Reid and several other Democrats in the cloakroom that he had already read it, in advance of all the other senators. "They all got whiplash—they knew I had some proximity to the administration and probably believed I got favored treatment," he tells me. "The looks on their faces made it all worthwhile." Nelson has even coined a special term for his jokes, Sims says. "He calls them 'gotchas.'"

"The looks on their faces made it all worthwhile," Ben Nelson says.

LATELY, NELSON has found himself in the spotlight for antics of a different kind. During the first six months of the Obama administration, he has emerged as Capitol Hill's foremost apostate Democrat. The role was arguably years in the making. Days after the Nebraskan arrived on Capitol Hill in 2001, Bush sent White House aides to convince him to back sweeping tax cuts. "First they got Zell Miller," Sims tells me. "Then they came to get him." In the end, Nelson would become one of only a handful of Democrats to support the bill, helping to assure its passage. Two years later, he would sign on to another round of Bush tax cuts. In 2005, according

DAVID COWLES

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to *National Journal*, Nelson not only was the most conservative Democrat in the Senate, but also had a more conservative voting record than five Senate Republicans. During Bush's second term, he would refuse to join Democrats in opposing the privatization of Social Security, while accepting Bush's invitations to watch DVDs at the White House and ride across the country on Air Force One.

But, since Obama was sworn in, Nelson's transgressions seem to have grown more dramatic. He voted against Obama's budget (he was one of only two Democrats to do so), criticized Obama's choice to head the Office of Legal Counsel, and vocally opposed closing Guantánamo. He also played a key role in helping to water down the administration's stimulus bill (although, to hear him tell it, he was actually saving the measure by making it palatable to moderate Republicans). And, on health care, he has assailed the public option, a central pillar of Obama's proposal.

All this triangulating has not endeared him to liberals. "When Ben Nelson reaches across the aisle, as he inevitably does, he can put together a bipartisan bloc," says one veteran lobbyist who's worked with Nelson's staff. "What that says is, 'I have a bloc of votes. You will come to me, and you will negotiate with me.' … It makes for very frustrating dynamics in the caucus." Still, Democrats on the Hill have largely been willing to swallow their frustration because they believe Nelson doesn't have a choice. McCain won Nebraska last year by 15 points, and a liberal Democrat simply wouldn't be able to hold onto the seat. "It's a very competitive state, and he feels like he's gotta do what he's gotta do," says one senior Democratic aide. "We feel his pain, and we understand politically his challenges," reasons another. "Ben Nelson is our friend. What do we want—a Republican senator from Nebraska who's never with us?"

That Democrats would be so indulgent makes a certain amount of political sense. More baffling are Nelson's own calculations. If he is really so determined to safeguard his political future in Nebraska, why doesn't he just become a Republican? The GOP would be happy to have him, since one more seat would take away the Democrats' filibuster-proof majority. And his political philosophy would seem to place him comfortably within the Republican fold.

Yet, oddly, Nelson seems to have no desire to be anything other than a Democrat. Back in 2004, Karl Rove offered him the post of agriculture secretary, but Nelson declined. "I don't think I'm persona non grata among the [Democratic] party regulars," he says. "I'm not a lone wolf." Unlike Zell Miller, the infamously dour conservative who shunned his fellow Democrats, Nelson actively ingratiates himself with his colleagues, yukking it up with Barbara Boxer at caucus lunches and regularly appearing at the party's dinners and cocktail hours. Watching him defend his right-leaning positions with a "who me?" grin and a twinkle in his eye, almost as if he's mugging for a hidden camera, it's impossible not to wonder if Ben Nelson likes being a Democrat in part because he *loves* being a pain in the ass.

Meanwhile, the practical jokes show no sign of letting up. Last year, Nelson snuck into McCaskill's office while she was on the floor for a vote, plastering photos of himself in hunting gear all over the walls. And, when he spots Bill Nelson or Maria Cantwell in the subway between the Capitol and Senate buildings, he tugs on their jackets as the train pulls away, causing them momentary panic as they think they're caught in the door. During a phone call last week, he tells me that he's feeling newly inspired to engineer more mischief. "Now that you've helped me revisit this," he says, "I'm going to get going on it again today."

Suzy Khimm

Worst and Dimmest

Learning the wrong lessons from David Halberstam.

Washington in the early days of a new administration is a didactic, lesson-drawing place, but even so, it has been striking to see how quickly the commentary on the death of Robert McNamara, defense secretary in the Kennedy and Johnson administrations and architect of the Vietnam war, has turned to abstraction—as if it was not one exceptionally smart man being buried, but a certain kind of smarts itself. "What happened … to Robert McNamara teaches a lesson to all those who talk of governments of all the talents," editorialized *The Times* of London. "Vietnam shattered the rationalist's faith," concluded David Ignatius in *The Washington Post*.

This theme looked particularly ripe for exploration because the Obama administration seems to echo the old Kennedy sensibility—ambitious, technocratic, self-consciously modern. McNamara, wrote Bret Stephens in *The Wall Street Journal*, "will go down as a cautionary tale for the ages, and perhaps none more than for the Age of Obama. … These are people deeply impressed by their own smarts, the ones for whom the phrase 'the best and the brightest' has been scrubbed of its intended irony."

There's the nub of it—*The Best and the Brightest*. This skepticism about an excess of brains in government has persisted so long in large part due to the vividness of David Halberstam's study of the McNamara cohort. His book played into two of the animating political fears of the late twentieth century: liberal worry about the cold rationalism of foreign policy hawks; and conservative panic that the country's soul was being seduced away by clever young men on the coasts. And so, Halberstam's title has come to serve as political shorthand for a nervousness, on both the left and right, about governance by technocrat—a fear that braininess carries the built-in risk of failures the size of Vietnam.

But Halberstam's conclusions are both more complex and more elegant than that. The "whiz kids" of the Kennedy era were the book's most vivid creation, cocksure and empirical; but their pathologies were not the war's only authors, or even its primary ones. In fact, the disaster of Vietnam, in Halberstam's full telling, was the consequence not of too much faith in technocratic expertise, but, rather, of too little.

Toward the end of his career, Halberstam became dedicated to a pretty staid brand of national nostalgia (*Summer of '49, The Teammates: A Portrait of a Friendship*), so it is a little arresting to detect, in this early book, the marks of a bracingly liberal sensibility. One of the earliest episodes that Halberstam chooses to include, chronologically, has little directly to do with Vietnam: It is the McCarthy-era purging of the State Department's Far Eastern desk in the 1950s.

Red hunters believed that the bright young men of that station—who had been (rightly) skeptical of Chiang Kai-shek and certain that the communists would take China—were ideologically compromised, and they paid with their careers. During the Vietnam crisis, Halberstam finds the best of them, John Paton Davies, nearly a decade out of government and trying to run a furniture factory in Peru. Had these experts not been persecuted, Halberstam

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writes, they would likely have been shaping Asia policy at the State Department during the Vietnam period, and "might have been able to provide that rarest of contributions in government: real expertise at a high operational level."

The other engine of Vietnam policy was the Pentagon, which was in the grips of an ideological fury. "Anti-Communism was the textbook of their life," Halberstam writes of senior military officials. It was the generals who pushed successive escalations, and Kennedy's "own White House staff which had to fight to limit the military." None of the generals had much political feel for Asia. Early in the conflict, while briefing Kennedy, the chairman of the Joint Chiefs of Staff, Lyman Lemnitzer, gestured to a spot on a map and identified it as the Mekong Valley. Lemnitzer was pointing at the Yangtze.

Like other historians of the Vietnam War, Halberstam thinks the fundamental error of the U.S. government was not simply overconfidence, though that played a part, but an incapacity to understand the dimensions of the Vietnam crisis or the politics of the country. "The real problem," Halberstam writes, "was the failure to re-examine the assumptions of the era, particularly in Southeast Asia. There was no real attempt, when the new administration came in, to analyze Ho Chi Minh's position in terms of the Vietnamese people and in terms of the larger Communist world, to establish what Diem represented, to determine whether the domino theory was in fact valid." Lower-level analysts repeatedly emphasized nationalism over communism in describing Ho's appeal, only to see senior officials, perhaps remembering other conflicts, stress the communist threat in the country and redouble their commitment to the fight.

The Kennedyites had come to power inveighing against a missile gap that didn't exist and filled with a feeling that liberal idealism necessitated a hard line in the cold war. Some of the whiz kids came to doubt this model through Vietnam, and they became loud voices of internal dissent. As for those who clung to it in the face of evidence and helped push the escalation: Their error was an excess of ideology; they were not empirical enough.

Other than Kennedy and Johnson themselves, there were three men, more or less, who might have halted the escalation in Vietnam. Two of them—Dean Rusk and Maxwell Taylor—were members of an older generation, and their failures were not whiz-kid failures. The third was Bob McNamara.

Part of Halberstam's sketch of the defense secretary is familiar: McNamara was optimistic, witheringly logical, and, in Vietnam, fixated on finding the numbers that might neatly describe a messy conflict. He was irreducibly American. ("Every quantitative measurement we have shows that we're winning this war," he said in 1962.) For Halberstam, McNamara symbolized the idea that the Kennedy administration could "control events, in an intelligent, rational way." This description is part of what has given *The Best and the Brightest* its power; to many, McNamara has seemed an example of an enduring national flaw.

But there is another side to Halberstam's McNamara. The secretary was surpassingly smart and empirical, but he was, in military policy, close to an amateur, unprepared for the gig, with no experience in politics, diplomacy, or military administration. He "knew nothing about Asia, about poverty, about people, about American domestic politics," Halberstam writes. McNamara lacked the experience to query the sources of the military's optimism and hawkishness—so, in the words of one of his colleagues, Chester Bowles, he became "an easy target for military-CIA-paramilitary type answers," and, in the end, a conveyance for their views.

Even if you set aside all the other reasons the United States got into Vietnam—the gutting of expertise, the bullishness of the military, the miscalculation of the internal politics of the country, the anti-communist fervor, the roles of Rusk and Taylor—and focus solely on McNamara, the analogy with Obama is pretty difficult to sustain. "McNamara's ghost is hovering" over Afghanistan, Tom Hayden wrote in an obituary of the secretary. But wars aren't made by ghosts, and they don't proceed according to allegory. Kennedy chose as his defense secretary the president of a car company. Obama chose the sitting secretary of defense. Obama's brainiacs—people like Larry Summers and Tim Geithner and Peter Orszag—come from a different meritocracy than Kennedy's did. They are not brilliant generalists. For better or for worse, they are experts.

BENJAMIN WALLACE-WELLS

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Hillary's Revenge

The HMO is back. Shhh!

"ONE OF THE THINGS that will happen if we pass this [health care reform] bill is that you will have more and more health care provided ... by community-based clinics or comprehensive health centers that have salaried professionals, including doctors. ... That's what you have at the Mayo Clinic." If you've been following the health care debate over the last few weeks, then you've heard President Obama say something like this a dozen times. Over and over, he's held up places like the Mayo Clinic as an example of what medical care should look like—that is, places where medical professionals work together in order to coordinate the treatments they provide; where physicians earn salaries, rather than fees for every service they perform, in order to remove any incentives for superfluous care; where administrators are able to take advantage of such efficiencies to keep prices low.

Still, that particular quote about the Mayo Clinic is different from others you've heard lately in one key respect: Obama didn't say it. Bill Clinton did, in 1994. In those days, experts and politicians had a name for these kind of group medical practices: "managed care."

Today, the White House communications team would fire anybody who dared use that term. Obama and his supporters speak about the importance of coordination, integrated care, electronic medical records, using evidence to guide treatment decisions—in effect, all of the elements of managed care. But they avoid the label, or its close cousin "HMO," because people associate those with everything they don't like about American medicine: limited choice, insurance bureaucracies, and an inability to get care when it's most needed.

But managed care was never as bad as its reputation: The problems were very much a product of the peculiar way it evolved, particularly in the last decade, since the Clinton plan went down in flames. In fact, had the Clinton plan become law, it's quite possible—maybe even likely—that managed care would have done what Clinton and his allies had hoped: emphasized prevention and personalized, coordinated care, all while saving money. Although Obama and his allies might not admit it, they are basically trying to carry out that vision, albeit more gently. And they are absolutely right to do so.

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Managed care was always controversial. But, for most of its existence, it was controversial primarily because it was seen as overly idealistic. The earliest managed-care organizations were medical cooperatives that popped up during the Great Depression, first in the Great Plains and, then, on the West Coast. In order to make affordable care available to the communities or groups of employees they served, groups of doctors charged flat, monthly fees rather than billing for every service. They sometimes had governing boards, with representatives chosen by the patients, who oversaw the finances and consulted on other areas of policy. They also emphasized preventative care. The founders of these clinics ranged from citizen do-gooders like Michael Shadid—the immigrant doctor who built a cooperative for the financially strapped residents of his rural Oklahoma hometown—to forward-thinking businessmen like Henry Kaiser, who created group clinics to make sure his shipyard workers had good health care.

Physicians, suspicious of the organizations' communal nature and perceiving a threat to their clinical autonomy, fought these group practices bitterly. And they succeeded in confining their growth to a few isolated pockets around the country. But where group practices did establish themselves, they provided good care—really good care—at low prices.

Eventually, their example caught the attention of a physician and policy entrepreneur named Paul Ellwood, who developed his own variation on the concept. (The impetus was his experience running a rehabilitation hospital; he realized that the hospital lost money when it provided better care, since its patients left more quickly and thus racked up fewer charges.) Ellwood called his idea the "health maintenance organization" and got the Nixon administration—which was, in the early 1970s, seeking ways to control health care costs—to endorse it. Ellwood, who had spent time practicing in Minnesota, modeled his idea on the Mayo Clinic, which traced its history back to the late nineteenth century but had, over the years, adopted a group practice model with salaried physicians who closely coordinated care.

The medical community remained hostile to the idea and, partly as a result, HMOs proliferated slowly. But, as rising medical costs increasingly became a national political issue, experts in Washington and in academia started paying more attention—and touting HMOs as a possible solution. When Clinton came around looking for concepts on which to build health care reform, they sold him on it.

By this time, some insurance companies had started experimenting with their own managed-care organizations—largely to satisfy employers weary of paying so much for employee benefits. These new models didn't look quite like the original group practices: They weren't as tightly organized, they didn't have community boards, and so on. But they began moving away from fee-for-service medicine, paying at least some doctors based on the number of patients seen rather than the number of services performed. Some set up information networks to keep track of patients. And they began to involve themselves in actual medical decision-making by having doctors seek approval before doing procedures or referring to specialists.

✳ *For more on the politics of health care, check out Jonathan Cohn's new blog,* **THE TREATMENT** *at www.tnr.com*

These changes didn't sit well with the public, and managed care became a political liability for Clinton. At the time, many Americans still had wide-open, fee-for-service insurance. They could see any doctor, any time, with nobody telling them (at least explicitly and openly) what they could and couldn't get. The concept that patients might have to remain with one group of physicians still seemed strange. On both the left and right, critics warned that people wouldn't be able to get the treatments they needed—that good care would be sacrificed in order to make it cheap and uniform. Asked one official from the American Medical Association: "Do you really want your doctor to have to call an 800 number at an insurance company somewhere when you are sick and take orders from someone he doesn't know and who may know nothing about medicine?"

In fairness, the fears were not entirely irrational. As managed care had evolved, it had strayed from its idyllic roots. Many plans did little or no coordination of care at all. Instead, when they intervened in medical care, they did so crudely—setting sometimes arbitrary rules about what could or couldn't be provided, sometimes with more regard for profit than good medical practice. And, while there was some movement away from paying doctors for every service provided, the change was moderate. Oftentimes, when insurers wanted to extract savings, they did so simply by bargaining down the price per service—which, if anything, encouraged doctors to do more procedures to make up for lost profits. (Not surprisingly, it also made doctors really angry.)

The old Clinton health plan, at least in theory, would have steered managed care in a different direction. It would have collected data about which plans were actually providing care that was both good and cheap, rather than simply cheap; it would have policed plans, to make sure they weren't denying care just to avoid enrolling sick (and expensive-to-insure) customers; and it would have defined a basic set of benefits and services, to which all people were entitled.

In a general sense, this is what Obama and his advisers are trying to do now. Even as they try to tilt financial incentives to favor integrated group practices, they would also establish basic benefit guidelines and closely regulate the behavior of insurers, to make sure companies are not skimping on care just to clear more profits. They would also change the way Medicare pays for services, so that more money goes to those medical providers who actually make people better. (The hope is that when Medicare does this, private insurers will follow.) If it all works out as planned—and, as always, that's a big "if"—places like the Mayo Clinic will thrive and, eventually, all Americans will have the option of enrolling in such a clinic.

The Obama reforms would push the U.S. health care system in this direction a lot more slowly than the Clinton plan would have: Among other things, if Obama gets his way, insurance arrangements for the vast majority of people won't change, at least right away. (Under the old Clinton plan, almost every working person would have changed plans.) This is undoubtedly because pushing more quickly risks the sort of patient backlash that helped kill reform last time. But Obama also has the benefit of time—and, perhaps, a slightly smarter electorate. In the early 1990s, everybody feared managed care in part because it was still pretty unfamiliar. Today, the basic concepts are at least familiar—as is the idea that our health care system is awash in expensive, sometimes harmful excess. Americans, in short, may be a little more receptive to the idea of managed care than they were a decade ago. Just as long as nobody calls it by that name.

Jonathan Cohn

ANTHONY RUSSO

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Sachs Appeal

Tim Geithner's Wall Street consigliere.

On March 15, Treasury Secretary Tim Geithner and a top lieutenant named Lee Sachs were summoned to the Roosevelt Room for a three o'clock meeting with the president and his chief advisers. For Team Obama, early March had been the psychological low point of the financial crisis. The Dow had sagged to a post-crisis nadir of 6440, with the stock prices of banks like Citigroup and Bank of America stuck in remainderbin territory. Nobel Prize–winning critics like Paul Krugman and Joseph Stiglitz had accused the administration of tinkering at the margins with its plan to purchase toxic assets from banks—or, worse, of catering to Wall Street. "[T]he administration would shower benefits on everyone who made the mistake of buying the stuff," Krugman thundered in his *New York Times* column.

The Roosevelt Room meeting was a drawn-out affair—the president stayed until five o'clock, then returned at seven for almost three hours. The motion on the floor was whether or not to abandon the Treasury plan. Though no adviser was eager to seize a major bank, some, like National Economic Council director Larry Summers, wondered if Treasury was underestimating the need for a more aggressive approach.

But Sachs and Geithner gradually defused these concerns. It was Geithner's habit to insist, "You could not want to do something that bold more than I do," before explaining why the boldest course was not, in fact, desirable. Sachs was, if anything, even more leery of nationalization. A trim, balding man in his mid-40s, Sachs had spent more than a decade at the investment bank Bear Stearns. He had the banker's penchant for funereal-looking suits, which sometimes clashed with his boyish expression and youthful voice. Around Treasury, Sachs was fond of comparing the decision to seize a large bank with the decision to invade Iraq. "There are hundreds of billions of dollars of value in these institutions," he'd say. "If you're going to go and destroy that . . . you'd better know there are WMD there."

When liberals complained about a Wall Street conspiracy, Sachs was precisely the person they might have had in mind—had they even known he existed. Bearing the modest title of "counselor," he had no formal place in the Treasury hierarchy—meaning no confirmation hearings, no regular reports to Congress, no public profile. But he wielded enormous influence behind the scenes. Indeed, by the time the session broke up that evening, the White House had all but decided to stay the course. "In many ways, [the meeting] was a bit of a triumph for Tim," says one administration official. "Lee was very much his wing man on that."

It is, of course, hardly surprising that the administration would turn to people like Lee Sachs to help navigate the crisis. There's simply no way to revive catatonic markets without first knowing something about them. But the flip side of this is to base trillion-dollar decisions on the advice of wealthy financiers deeply socialized in the mores of Wall Street. Conspiracy or not, how queasy should this make us?

Sachs was one of the first economic officials in the door at Obama transition headquarters. The financial crisis team in those days was "shockingly skeletal," one colleague recalls, and so, it fell to Sachs to survey the wreckage by shuttling between the Fed, the Bush Treasury, and a handful of agencies overseeing the banks. "I've got recollections of his feeling grim," recalls Summers, who had yet to arrive himself. "The more he learned, the worse it looked."

When Obama chose Geithner to be his Treasury secretary in late November, the nominee quickly put Sachs in charge of the crisis response. The two men had become friends in the Clinton Treasury Department and had remained close ever since. During the Bush years, they'd sometimes joined fellow Treasury alumni on an annual pilgrimage to the Nick Bollettieri Tennis Academy in Florida. Sachs and Geithner even competed together in a triathlon.

It was Sachs's job to hammer out the toxic-asset plan prior to the early February deadline Geithner had set. But, with less than two weeks to go, Sachs and his team decided it would be all but impossible for the government to buy the assets. There was simply no satisfying way to arrive at a price. "If you overpay for the assets, you'll get shit politically. If you underpay, no one is going to sell them to you," says one aide. The solution, the group concluded, was to piggyback on the pricing power of self-interested investors. If the investors put up money alongside the government, they'd have an incentive to price the assets fairly.

Though, by this point, there wasn't time to fill in the details, Geithner and Sachs insisted on sticking to their schedule. Every day brought more anxiety in the markets, and delaying seemed riskier than unveiling an incomplete plan. Still, no one had illusions that the process would be painless. Going into the rollout, says one colleague, Geithner told his staff that, in a crisis, "we had to be one government" and that different agencies "had to sign in blood, with no tribal conflict."

When Geithner announced the vague outlines of the plan on February 10, the reaction was brutal. Investors bid down the Dow almost 400 points, and pundits questioned his basic competence. Over the next several weeks, Treasury actually began wheeling out the more effective pieces of the financial fix—such as programs that expanded credit to consumers and small businesses. But, outside Treasury, Geithner couldn't shake the perception that he was ineffectual and overwhelmed. More than a few critics insinuated he was a pawn of Wall Street.

What these critics missed was that Treasury was prepared to take over the banks if necessary. But Geithner and Sachs had practical reasons for their lighter touch. "Lee's great strength is that he's exceptionally careful about thinking through implications of any particular choice," Geithner told me. "He's got a very good feel for markets and a sense of what practical considerations apply." The two men worried that nationalization would trigger an exodus of bank personnel. If that happened, it would leave the government with all the risks a bank was shouldering and all of its losses, but with no way to generate revenue—or, for that matter, to sell it back into private hands. These were the kinds of concerns that resonated at the March 15 meeting with Obama. "That was the moment it really hit a lot of people that, rather than Tim and Lee looking cautious, maybe they were thinking through the risks at a deeper level than other people were," says one administration official. (Sachs declined to comment for this piece.)

Though no one at Treasury is prepared to claim victory, the subsequent course of events seems to vindicate these impulses. On May 7, the Fed announced that the country's 19 largest banks were collectively short $75 billion in capital. Within a month, they'd raised more than $65 billion from investors. In early June, ten banks won permission to return $68 billion in bailout money.

One Friday night in February, Sachs was doling out assignments for yet another weekend of work when a member of his team piped up with bad news: Treasury's server would be down for eleven hours during the installation of a backup generator. There would be no e-mail, no access to key documents and data—none of the tools you take for

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granted when triaging a modern financial system. "It was like, 'Oh shit,'" recalls one of the officials. "The absolute last thing we needed."

Suddenly Sachs, who is about as mild-mannered a person as you'll meet in a yoga studio, began to mutter excitedly. "This is not going to happen, it's not going to happen," he repeated as he left the room. Fifteen minutes later, he reappeared with a twinkle in his eye: "It's fixed," he said. End times might be imminent; until then, Sachs's charges would have inboxes. "It was enormously funny," says the staffer. "This combination of assertive and self-effacing. . . . The world was out of control, but he was asserting control over one little corner."

Sachs's inability to play the hard-ass without subtly mocking himself can make you wonder how he ascended the upper ranks of Bear Stearns, once among the more aggressive houses on Wall Street. By his late twenties, he was running Bear's corporate-debt underwriting division and mixing with such world-class vulgarians as Jimmy Cayne, the firm's former CEO. "The way in which the firm has been characterized is exaggerated," says one former colleague. "But, even if you accept that, he was still among the most soft-spoken people within the firm." In fact, Sachs's studious bearing was an asset. It created no enemies and made him "effective at representing the firm" with clients, recalls another colleague.

In 1997, Sachs decided he'd like to give Washington a shot. As an undergrad at Denison University in Ohio, he'd studied economics and political science and gotten himself elected student body president. He spent his first few years at Bear assuming he'd eventually leave for law school. But Bear kept making it worth his while to stay. Finally, he reached out to Mike Berman, a family friend and longtime Democratic power broker, who introduced him to the chief of staff of then-Secretary Robert Rubin. Sachs joined Treasury the following year as a deputy assistant secretary.

While it may be tempting to assume Sachs's caution with the banks reflects a sympathy for Wall Street, his intuition has often cut against moneyed interests. "He is a progressive guy," says one Obama official. "His instincts are with the little guy." That's certainly true of the initiative that took up much of Sachs's time during his first tour at Treasury, an effort to clarify the legal status of derivatives. (Administration lawyers worried that recent regulatory moves had cast doubt on the legality of contracts worth billions of dollars.) Today, many on the left regard the largely deregulatory measure, called the Commodity Futures Modernization Act (CFMA), as a symbol of Clinton administration cravenness. But Sachs earned a reputation as something of a CFMA hawk.

A derivative is basically a bet between two "counterparties" over the price movement of an asset, like a stock or commodity. The problem is that these bets link financial institutions in a complicated web: If one fails, it can bring down not just that company's counterparties, but all of their counterparties, too. To sever these links, Sachs wanted to mandate "centralized clearing," meaning the institutions would bet with a clearinghouse rather than directly with one another. "Lee pressed very hard—I give him credit—to make sure that we tried to bring these over-the-counter derivatives into clearing," recalls one Treasury colleague. But Alan Greenspan's Fed and the GOP-controlled Congress reflexively opposed the idea. If the administration wanted Congress to act (and some critics question the need), there was simply no way to get it done without caving on mandatory clearing.

✳ *For more on the battle to fix our economy, check out Noam Scheiber's new blog,* **THE STASH** *at www.tnr.com*

Thanks to his resumé and his relationship with Geithner, most Treasury watchers initially assumed Sachs would end up as under secretary for domestic finance, a top-ranking position. But, in March, *The Wall Street Journal* reported that Sachs would remain a counselor. It's not clear what precipitated the decision, but a Treasury spokesman says there were no vetting issues and that Sachs opted against taking it for unspecified personal reasons.

Whatever his formal title, it's hard to think of Sachs as anything other than Geithner's senior financial official—a position he'll retain for the foreseeable future. He is buying a house in Washington, and his family will move down from Westchester later this summer. Sachs is also staffing up—he now oversees a staff of a half-dozen aides, most of them plucked from Wall Street. (The team was deeply involved in the mid-July decision to withhold additional aid from CIT, the bank holding company then on the verge of collapse.)

The heavy reliance on informal counselors like Sachs does raise basic questions of accountability. For example, Treasury recently announced the nine money managers with whom it will partner to purchase toxic assets. The arrangement could prove highly lucrative, and competition for the slots was intense—Treasury received more than 100 applications. Given the potential for conflicts of interest, and the fact that we won't always have someone as widely respected as Sachs designing such a program, it might be nice if the person in his position had to undergo a full Senate scrubbing. (In fairness, Treasury's career staff vetted the applications and made the actual decisions.)

On the other hand, there's a reason Geithner has leaned so heavily on his counselors: His department simply lacks a reserve of financial-market expertise, even when fully staffed. Compared with the finance ministries of other countries, Treasury's regulatory role has traditionally been weak. That's made it a less than desirable destination for sharp Wall Street minds looking for public sector work. "Think about what the Treasury Department's here for," says one official. "To pay the bills, issue debt, collect taxes, that sort of thing. Institutionally, were we prepared to design a convertible-preferred security?"

Until recently, Treasury's lack of Wall Street heft wasn't necessarily a problem: Postwar recessions occurred when the Fed raised interest rates to prevent the economy from overheating, not when a bubble burst. But, as both Summers and Krugman have pointed out, recent recessions have followed progressively more serious financial turmoil—the S&L crisis of the late 1980s, the dot-com bust in 2000, and the current real-estate collapse. These recessions render the old playbook of lower interest rates and fiscal stimulus less effective and require a far more intricate government response.

Inevitably, it's Treasury that must lead in this terrifying new order. Which is why its limitations have become so glaring. "The Pentagon is geared up to fight two wars at once, that's the mission. The White House is a crisis management operation, it runs twenty-four hours a day," says one Treasury official. "We want that capability." And so, once the dust settles, Geithner is determined to put Treasury on a Pentagon-style footing. "One of things I hope to be able to do is leave a stronger institutional architecture in domestic finance with more depth in the career staff, more weight, more full-scale expertise in markets, regulatory policy, economics, the legal financial area," he told me. When that day comes, you probably still won't see much of Lee Sachs. But you can bet he'll be manning the situation room.

Noam Scheiber

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Doubt

A professor, a genocide, and NBC's quest for a prime-time hit.

ANDREW RICE

One Monday last December, a stranger presented himself at the office of Sanford Ungar, the president of Goucher College, located in a suburb of Baltimore. He introduced himself as Charlie Ebersol, a television producer. A handsome, affable, and royally confident young man—he was sometimes pictured in the gossip pages with his girlfriend, the tennis star Maria Sharapova—Ebersol explained his visit by saying he was doing research for a new prime-time show on NBC. Beyond that, he was cryptic, Ungar recalls. "He said, 'We're going to come back tomorrow and tell you about somebody who works here who's done some very, very bad things.'" The meeting, Ungar says, left him totally baffled. Ebersol remembers the encounter somewhat differently. "Literally five minutes into my going into conversation," Ebersol told me, "he said, 'Are you talking about Leopold Munyakazi?'"

Ebersol was producing a new documentary series called "The Wanted," about international fugitives from justice, and he was exploring an explosive charge: that Munyakazi, a Goucher professor of French, had taken part in a genocide. The day after their first meeting, Ebersol returned to Ungar's office with his co-producer, Adam Ciralsky, an investigative journalist who'd once worked as an attorney for the CIA. They were in possession of what, at first glance, appeared to be a devastating collection of facts. Munyakazi had been living in his native Rwanda in 1994, when many thousands of his countrymen took up guns and machetes against their neighbors at the urging of a vicious government, killing a minimum of 500,000. After the fall of the genocidal regime to a rebel army, Munyakazi was imprisoned for four-and-a-half years. He'd been provisionally released, but then he'd fled to the United States, where he'd asked for asylum. (The appeal was still pending.) The producers told Ungar that the Rwandan government wanted Munyakazi back and had more than 70 pages of sworn affidavits from witnesses who attested to his participation in the genocide. Then they told the president that they'd return the next day with a Rwandan prosecutor, whom they'd flown in for the purpose of a dramatic confrontation.

Ungar, a white-haired ex-journalist with a leonine voice—he had once been the host of NPR's "All Things Considered"—considered himself well-prepared to assess the seriousness of NBC's accusations. His resumé prior to taking the top post at Goucher included a stint as director of Voice of America. He had visited Rwanda several times, and, in the 1980s, he'd written a 500-page book about Africa.

Though he oversaw a large faculty, Ungar was slightly acquainted with Munyakazi, a new adjunct who had been placed at the school just that year by the Scholar Rescue Fund, a nonprofit that arranges financial support for exiled academics. He'd heard that Munyakazi had some controversial political views, but, to Ungar, the professor came off as "a very polite, formal person of the old school." "I find it hard to imagine," Ungar would later reflect, "that he's a mass murderer."

Journalistically, Ungar also didn't know what to make of the NBC producers' approach, particularly the suggestion that they were working in concert with a foreign prosecutor. Indeed, the producers had conceived of "The Wanted" as a radically different approach to news-gathering. The stars of Ebersol's show were members of an experienced team he'd assembled to track down fugitives, including terrorism experts and a former war-crimes prosecutor. To Ungar, it all sounded like tabloid television. He got even queasier when Ebersol and Ciralsky returned to his office the next day, December 10, with a camera crew and Jean Bosco Mutangana, the head of Rwanda's genocide fugitives tracking unit. Ungar recalls that the producers asked him to sit for the cameras while Mutangana presented the details of the indictment. He refused. "Having worked in the media myself," he says, "I wasn't about to be fooled."

Those on the other side of the camera recall the scene another way. Ungar was relaxed, even flippant, the NBC producers say. They claim that his employees offered the jet-lagged Rwandan prosecutor eyedrops, so that he didn't look bloodshot on camera. Though Ungar initially wouldn't tape an interview, he did allow the NBC crew to remain on campus to pursue their questioning of Munyakazi. (As a former journalist, Ungar told me, he felt it would have been "hypocritical" to kick them off.) He went so far as to send the NBC crew, accompanied by a Goucher p.r. officer, down to the classroom where the professor was just finishing a French lesson.

After class, a swirling retinue of about ten cameramen, technicians, and professional interrogators descended on Munyakazi, a broad-faced middle-aged man with an accented, lilting voice. The professor, who had been given little notice, was stunned and refused to talk on camera. After some time, two members of the faculty who knew Munyakazi, a philosophy professor and the director of the school's peace-studies program, joined the standoff, which only heightened the tension. The professors angrily challenged the Rwandan prosecutor. "They kept talking about 'competing narratives' of the genocide," Ciralsky says. "Which really could be considered code for denying the genocide."

What was happening was a collision of two different worldviews: the investigative mindset of journalists and prosecutors, with its normative emphasis on evidence, guilt, and verdicts; and the academic mode of inquiry, which is more discursive and wary of definitive judgments. The disdain between the two sides was mutual. "It was really a kind of guerrilla tactic on their part," says Steven DeCaroli, the philosophy professor who stood by Munyakazi that day. To the accused professor's defenders—a group that would eventually become surprisingly large and respectable—his prosecution was not about genocide, but about free speech, and a foreign regime that manipulates the story of the genocide for political purposes. The way DeCaroli saw it, NBC had been duped. "They were coming with a very tightly logical narrative," DeCaroli says. "And I just wanted to suggest that there was another way of reading the same facts."

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Edel Rodriguez

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The accusations against Munyakazi were 15 years old, but the way his defenders saw it, the turning point in his story had occurred much more recently, on the afternoon of October 25, 2006, when he'd given a lecture at a faculty luncheon at the University of Delaware. The subject of the talk was academic freedom, and it was staged in cooperation with the Scholars at Risk Network, another of the cluster of interrelated foundations that have assisted Munyakazi since he arrived in the United States in 2004. The organizers had some warning that Munyakazi's appearance would be contentious. Beforehand, someone claiming to represent the Rwandan Embassy in Washington had contacted the university to protest. But Robert Quinn, who headed the Scholars at Risk Network, successfully argued for allowing the professor to speak anyway. "When you're dealing with a place like Rwanda, or any other place where there is widespread social chaos," Quinn says, "you're looking into a place where all lines are blurred."

At the time of the Delaware speech, Munyakazi was teaching at Montclair State University in New Jersey. A deliberate, sometimes pedantic speaker, Munyakazi told the audience of around 100 that he wanted to counter the "lies" that the world seemed to believe about his home country. The professor had brought along a stack of books about the 1994 massacres, accounts written by eyewitnesses like Paul Rusesabagina, whose experience was the basis for the movie *Hotel Rwanda*. These books told a straightforward story: that a wicked dictatorship had encouraged one ethnic group, the Hutus, to rise up against an innocent minority, the Tutsis, setting off a killing spree that hadn't stopped until a Tutsi rebel leader named Paul Kagame drove the evildoers from power. This story was all wrong, Munyakazi declared, holding up the books to show that he'd annotated their flaws with a sheaf of Post-it notes. Munyakazi was a linguist, a man obsessed with terminology, and he turned the discussion to one immensely powerful word: genocide.

The professor contended that the term had been misused in reference to Rwanda's bloody history. The killings had arisen out of an ongoing conflict—a civil war launched by Kagame, now the country's president—and Munyakazi, a Hutu, believed that the rebels deserved a share of the blame. He claimed that the massacres weren't carried out on a strictly ethnic basis, either, and therefore rejected the use of the term genocide to describe them. He preferred "fratricide," which implied a greater balance of guilt.

Munyakazi's positions were questionable, to say the least. But his speech didn't cause much of a stir at first. The forum, after all, was supposed to be about free expression, and the academics in the audience believed in encouraging competing discourses. Gerald Turkel, the sociology professor who organized the talk, understood Munyakazi to be making a reasoned case against the simplifications of journalism and the movie business. "It's much more complex than we've been led to believe," Turkel recently told me. "That was his major message." Indeed, many scholars of Rwanda had come to agree with one aspect of Munyakazi's argument: that Paul Kagame's regime had abused the genocide's legacy in order to burnish its image abroad and stifle dissent at home.

But that day in Delaware, at least a few audience members were listening to Munyakazi with mounting shock. Ralph Begleiter, a journalism professor, had spent 20 years as an international correspondent for CNN before joining the Delaware faculty. He didn't think the Rwandan genocide could be subjected to reinterpretation. "I distinctly remember in the middle of the speech, when he was making the point that there was no genocide," Begleiter recalls, "sort of my eyebrows rising and thinking, 'Oh my God, how can anybody say that?' "

"We take him to be one of the planners, one of the people who developed hatreds," the prosecutor said. "When the genocide started, he took the lead."

After the luncheon was finished, Martin Mbugua, an employee of the University of Delaware's p.r. department, went back to his office and wrote an article about the event for the school's website. A native Kenyan, he was attuned to the political overtones of Munyakazi's claims. He quoted the Rwandan professor as saying that it was "quite wrong to say that genocide was committed by Hutus" and that there was an "international conspiracy to hide the truth about what happened."

In the United States, of course, offering competing narratives—even noxious, incorrect ones—is a right enshrined in the Constitution. In Rwanda, however, raising questions about the genocide is a statutory crime. By November 10, the Rwandan national prosecutor's office had issued an arrest warrant citing the Delaware speech, charging that Munyakazi had spoken "with intent to negate the genocide," and had "rudely minimized it." But that was not all. The warrant went on to allege that Munyakazi, who had claimed he was a terrified bystander in 1994, had in fact taken part in the genocide.

I have visited Rwanda on several occasions, the first time in 2002. Like most casual visitors, my first impression was one of wonder at the transformation overseen by Kagame. Streets that were littered with corpses when he marched into the capital, Kigali, are now lined with bustling restaurants. GDP has grown at a fast clip, foreign aid and private investment have flowed in, and Kigali's airport receives a steady stream of do-gooder dignitaries like Bill Gates and Rick Warren.

The president's signal accomplishment, however, has been promoting some tentative reconciliation within the traumatized populace. In the first years after the genocide, the government imprisoned an estimated 120,000 suspected perpetrators, but locking away such a large proportion of the population proved to be practically untenable. So Rwanda opened the prison doors, releasing many low-level killers to their home villages on the condition that they confess their crimes before local tribunals known as *gacaca* courts. An uneasy peace has been struck between perpetrators and survivors at the insistence of the president—and, his critics say, an omnipresent intelligence service.

Kagame's government has also tried to stamp out all public references to ethnic difference. Over the years, it has passed a series of tough laws against "divisionism" and "genocide ideology," which carry punishments of up to 25 years in prison. To those who complain about abridgements of free speech, the government points out that similar laws exist in countries like Germany, for similar historical reasons, and cites the precedent of the genocide, when radio broadcasters spouting an ideology called Hutu Power urged their listeners to exterminate Tutsi "cockroaches." Critics of the regime note that the understandable justification for these laws masks an element of self-interest: They restrict the obvious criticism that Rwanda is now governed by a Tutsi minority.

The indictment against Leopold Munyakazi charges him with violating one of these laws with his speech in Delaware. "Here in Rwanda, we have read what he publicly said," Jean Bosco Mutangana told me when I reached him by phone in Kigali. But the prosecutor angrily rejected the contention that the professor is simply being punished for speaking

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out. According to the government, Munyakazi had organized and urged on the killers in his home village in 1994. "We take him to be one of the planners, one of the people who developed hatreds," Mutangana said. "When the genocide started, he took the lead."

After issuing the 2006 arrest warrant, Rwandan prosecutors repeatedly petitioned the United States to return Munyakazi to face trial. But the two countries have no extradition treaty, so there was little that prosecutors could do but beg. Munyakazi kept on talking, almost taunting the Rwandan authorities. At a forum at Montclair State, he argued about the genocide with Rwanda's U.S. ambassador. Then, last year, a new possibility arose, one that would allow Rwanda to make its case directly to the American people—on television.

Charlie Ebersol hails from an eminent TV family. His father Dick was a legendary NBC programming executive, a creator of "Saturday Night Live" and mastermind of the network's Olympics coverage. Though only in his twenties, his son was already starting to make his own name as a documentary filmmaker. Charlie had a production deal with NBC Universal and a handful of credits to his name, including a film on the snowboarder Shaun White and another about a South African school for orphans. The latter project, filmed while the younger Ebersol was a student at Notre Dame and later aired on HBO, had been something of a fiasco: As it came out, the South African media reported that school officials had allegedly misused donations, that many of the "orphans" did in fact have parents, and that the students had been coached to draw in the filmmakers with false tales of redemption, in an ultimately successful attempt to attract celebrity benefactors like Oprah Winfrey. But the experience hadn't made Ebersol shy about taking on complicated overseas stories. "I had wanted to get into this idea of education through entertainment," Ebersol says. "I wanted to do something that was really entertaining, that was cool and interesting to my generation and my demo, but that had all the credibility and news standards of a '60 Minutes' or a 'Dateline.'"

And so, when Adam Ciralsky, an award-winning NBC News producer, approached him with a novel idea, Ebersol was more than happy to listen. Ciralsky's proposal had its genesis in a disconcerting fact: that in an age of easy migration, no conflict is confined. An estimated 1,000 immigrants currently living in the United States have pasts that involve violations of human rights. Why not track such criminals down, Ciralsky proposed, and put them on camera?

Ebersol and Ciralsky managed to sell NBC on a twelve-episode series. The show would target alleged war criminals, terrorists, and other international wrongdoers. Besides Ciralsky, the fugitive-tracking team would include Roger Carstens, a former Green Beret and counterterrorism specialist; Scott Tyler, an ex–Navy Seal with expertise in urban reconnaissance; and David Crane, a former prosecutor with the United Nations war-crimes tribunal for Sierra Leone. While Ciralsky handled the reporting end of the show, Ebersol says he strove to "create a format, an aesthetic, that drew in a new audience" that wasn't used to watching news. "As much time as Adam and I and the team spent researching the targets," Ebersol explains, "I spent working with camera crews … to be able to produce a show that looks like *The Bourne Identity*."

The NBC producers knew that Rwanda was a target-rich environment. They made an exploratory trip there with Pierre-Richard Prosper, a former prosecutor with the U.N.'s Rwandan genocide tribunal and onetime head of the State Department's war-crimes office. Ciralsky returned seven times over the course of a year, gathering evidence on several alleged fugitives from justice, including Munyakazi. He talked to prosecutors, case investigators, Tutsis who had escaped the killing, and even confessed Hutu *genocidaires*. "We've got everybody at every step in this case," he says, including President Kagame, who sat for two interviews. "Kagame's big thing," Ciralsky told me, "is, 'I don't care if he's tried here in Rwanda, I don't care if he's sent back, but somebody needs to try the guy.'"

The producers' reporting left them convinced that, whatever Munyakazi's supporters might say, there was no argument about his guilt. "They're like, 'Well, it's complicated, there's different ways of looking at it, there's a gray area,'" Ebersol says. "But you know, there isn't a gray area."

When Sanford Ungar first learned about NBC's accusations, he didn't think he knew enough to judge them. He turned, as many people seeking to understand the events of 1994 did, to perhaps the world's best-known specialist on Rwanda: a petite, silver-haired woman named Alison Des Forges.

Des Forges held a unique sway over perceptions of Rwanda. Within the small community of academics and human rights activists who have spent their careers examining the genocide and its aftereffects, she played a sort of oracular role. A recipient of the MacArthur Foundation's "genius" grant, she was not an academic, though she'd done her Yale history dissertation on Rwanda and had spent years in the African Great Lakes region. She was an activist, a senior adviser to Human Rights Watch. In 1994, she had been one of the first to raise the alarm about mass killings in a then-obscure corner of Africa.

Des Forges understood that the genocide was more complicated than an atavistic outburst of African ethnic hatreds. Traditionally—and this is a vast simplification—the labels "Hutu" and "Tutsi" had referred to the kind of work one's family did and, by extension, its position in the societal hierarchy. Tutsis had superior status, a position solidified under Belgian colonial rule, but the Hutus took the upper hand, thanks to an uprising that occurred in 1959, just before independence. Many Tutsis were killed and more were pushed into refugee camps in neighboring countries. In 1990, Kagame, a son of Tutsi refugees, led an insurgency against the Hutu-dominated regime of President Juvenal Habyarimana, which responded with progressively more brutal reprisals against Tutsis. Habyarimana was killed when his plane was shot down on its approach to Kigali's airport in April 1994, and a hardline junta took over. The genocide, which seems to have been planned for some time, began immediately.

At the time, Des Forges was keeping in touch with her contacts in Kigali—from afar, she helped one of them, a human rights activist named Monique Mujawamariya, to escape the country—and writing impassioned appeals for Western intervention, which went unheeded. After Kagame's Rwandan Patriotic Front (RPF) put an end to the genocide, she returned to Rwanda to interview survivors, collecting their accounts of the killing into an 800-page oral history.

At first, the RPF's victory in the civil war was greeted with almost universal relief. Kagame took care to present the facade of a multiethnic government. He initially reserved the office of president for a Hutu, giving himself the vice-presidency (while retaining control of the army, the real position of authority). But, over subsequent years, the Hutus within the transitional government were marginalized, opposition was curtailed, and Rwanda became embroiled in a series of devastating wars in neighboring Congo. Des Forges, along with many experts in the academic community, began to turn against the regime, arguing that it had become dictatorial.

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Many journalists and policymakers continued to look at Rwanda as a heartening story overall. Whatever Kagame's failings, they pointed out, there was still no serious comparison between the RPF and the *genocidaires*. But, while many observers talked of progress, Des Forges and other Rwanda specialists saw delusion. And Kagame's unsinkable reputation only stoked their frustration.

So, when Des Forges was approached by Ungar, she told him not to assume that Munyakazi was guilty. She believed that Kagame's government often used the word "genocide" as a weapon to discredit its opponents. Des Forges reviewed the indictment, which raised further questions in her mind. She honestly couldn't determine what Munyakazi had done during the confusion of 1994. What she homed in on was his more recent past—the story of his flight from Rwanda.

In 1999, Munyakazi was released from a prison in the town of Gitarama. He'd been held without trial since being swept up in a wave of arrests a few months after the genocide. The timing of Munyakazi's release seemed suggestive to Des Forges: It came before the large-scale reconciliation program began, during a more limited effort to reduce the genocide prisoner population by culling the weakest cases. "I would say ninety-nine percent of those people who were released during that time were people who had nothing to do with the genocide," says Aloys Habimana, a Rwandan lawyer who works for Human Rights Watch.

Des Forges had another reason to doubt the indictment's version of events. Munyakazi hadn't just been released from prison. He actually seemed to have been welcomed out. He'd been able to secure a teaching position at a new public institute in Kigali and moved openly in the capital's intellectual circles. Technically, Munyakazi's release was only provisional, and he was not supposed to leave the country. But these terms seem to have been laxly enforced. Munyakazi was issued a passport and traveled abroad twice. He'd returned to Rwanda both times—not the mark of a wanted man.

When Munyakazi eventually did leave Rwanda for good, he claimed that it was because of political pressure. Des Forges could recognize his story. In 2003, there was a presidential election, which Kagame won with more than 90 percent of the vote. Both during the campaign and after, opposition politicians—most of them Hutu—suffered extreme harassment. Some were arrested on the loosely defined charge of "divisionism." Many human rights activists, such as Aloys Habimana, were forced to flee the country. In exile, once-reasonable voices of opposition turned into zealots.

The prototypical example of this process of radicalization is Paul Rusesabagina, the real-life protagonist of *Hotel Rwanda*. Since the release of the movie, Rusesabagina, a Hutu, has had a highly publicized falling-out with Kagame, who branded him a "manufactured hero." He now lives in exile in the United States. When I first contacted Leopold Munyakazi, saying I wanted to learn more about his case, he sent me a long list of character witnesses to call—and one of them, to my surprise, was Rusesabagina. In his Delaware speech, Munyakazi had attacked *Hotel Rwanda* for being full of falsehoods, but Rusesabagina told me that he didn't necessarily disagree with Munyakazi's views, which they'd discussed. "I am convinced that, as time goes on," Rusesabagina said, "history will prove him right." Rusesabagina claimed that the Rwandan government would stop at nothing to silence those it perceived as threats. "They have tried to assassinate me many times," he said.

The academic experts on Rwanda didn't go as far in their accusations, but they too made reassessments of the genocide, revisiting uncomfortable questions of causality. Kagame had reaped the credit for stopping the massacres, but some scholars argued that he had also played an inadvertent role in setting them in motion by invading and, perhaps, by shooting down Habyarimana's plane. (The mystery of the assassination, which is alternately blamed on Hutu schemers within the Habyarimana regime, remains a great crypto-debate.) A few people on the fringes, like Munyakazi, took the argument to ahistorical extremes, saying that Kagame and the genocidal regime bore comparable responsibility for the bloodshed. The more orthodox view among Rwanda specialists was that, while the *genocidaires* were indisputably villainous, Kagame wasn't the story's hero.

Des Forges was particularly concerned about atrocities allegedly committed by the RPF during the civil war and the genocide period. She wanted the international tribunal that was prosecuting leaders of the genocide to investigate RPF killings of civilians, which she estimated at 25,000. Human Rights Watch also wrote a series of highly critical reports about Rwanda's justice system and its conduct in Congo. The Rwandan government responded with predictable hostility, attacking Human Rights Watch in frequent communiqués and banning Des Forges from entering the country.

But it wasn't just the Rwandan regime that questioned Des Forges's objectivity. She had many critics, who wondered whether she'd lost perspective—whether she'd become so obsessed with Kagame's imperfections that she failed to see anything else.

Des Forges freely admitted that she never independently investigated the case of Leopold Munyakazi. "Her concerns had more to do with her opinion of the government's credibility," recalls Pierre-Richard Prosper, who discussed the matter with her. (By this point, he was no longer working with NBC.) "As I recall, I said, 'Look, regardless of what your political feelings are, I think you have to distinguish between politics and justice. This case warrants investigation, and the guy needs to answer to the charges.'" But Des Forges saw the indictment mainly as an instrument of political persecution. In 2004, Munyakazi had been named alongside many of her Hutu activist friends in a parliamentary report on the propagation of genocide ideology. Munyakazi had learned that he'd been cited in the document around the time he left for the United States for an international congress of French teachers. This time, when he went abroad, he hadn't come back, choosing exile instead. But that didn't make Munyakazi a fugitive, Des Forges argued. She believed he was a dissident.

After hearing what Des Forges had to say, Sanford Ungar had profound doubts about Munyakazi's guilt. He still felt he had to suspend the professor—he couldn't have an accused murderer teaching Goucher students—but he made sure that Munyakazi kept receiving a paycheck, and that he and his wife and their children were able to remain in their college-owned house off-campus. During winter break, rumors started to circulate. Ungar figured it was only a matter of time before word got out, so he decided to break the news himself in a mass e-mail to the student body. The news soon hit the papers. That, in turn, seems to have prodded U.S. Immigration and Customs Enforcement, which sent agents to arrest the professor for visa violations. Camera crews swarmed the Goucher campus, chasing the story of the suburban *genocidaire*.

Within a few days, though, the spectacle took an unexpected turn. In an interview with the publication *Inside Higher Ed*, Des Forges spoke out forcefully in Munyakazi's defense, picking out what she called "serious failings" in the Rwandan indictment and raising concerns

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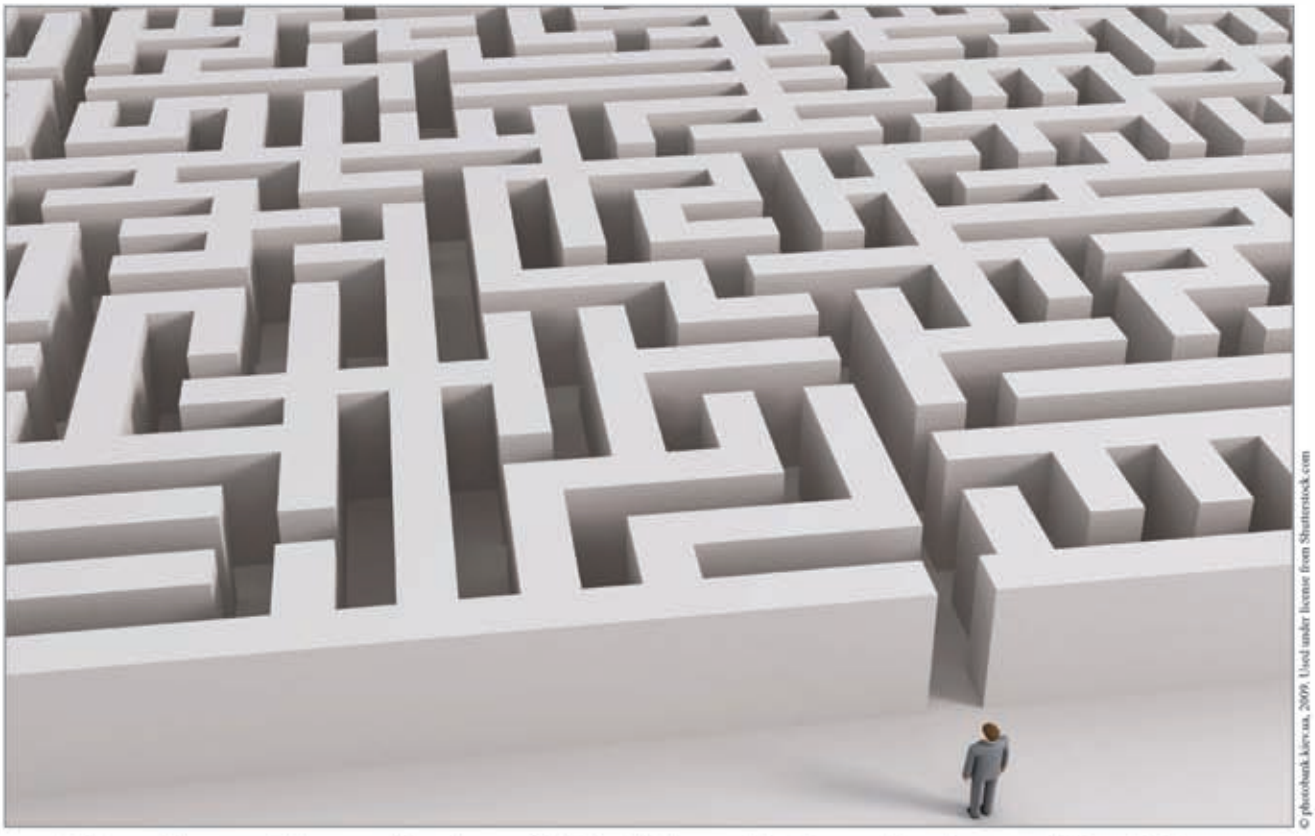

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about the government prosecutor's "questionable" arrangement with NBC. On February 11, *The New York Times* ran a front-page piece focusing on the criticism of NBC. At Goucher, Ungar held a town hall meeting, where many students lined up to support the accused professor.

Charlie Ebersol and Adam Ciralsky were restricted from responding to the furor by an NBC policy against commenting on ongoing news-gathering. While they remained silent, Des Forges made herself an extremely persuasive advocate for Munyakazi. She not only provided skeptical analysis to the press, but also spread information about the case through her network of friends in government and academia. She even made her argument to an executive at NBC. Des Forges had accomplished something remarkable and ironic: She had aroused public sympathy for someone who seemed to doubt the genocide, the central concern of her intellectual life.

"They don't want people to talk about the truth, and each person who tries to say something about it is muzzled," Leopold Munyakazi was saying. He had been talking by this point for more than three hours, somewhat undercutting his contention. Since February, when ICE arrested him, Munyakazi has been out of work and under a court-ordered curfew. He's had little to do but stew himself in words: reading history, reviewing warrants and affidavits, and composing long treatises on exile websites. Sitting with his legs tightly crossed, allowing a black monitoring device to peek out from just beneath the cuff of his jeans, Munyakazi was winding himself into increasingly grandiose protestations of innocence. "I know that there are, in the history of the world, many people who are victims of injustice, of lies, of fabrications, but my conscience is clear," he said. "I am ready to answer all these charges and allegations, and I think it will be a very good opportunity for people in America to become aware of the situation in Rwanda. Because this process seems to be strange—all of this."

That, at least, was beyond dispute. As the professor sat in a boxy brick suburban home, on a tree-lined street close to Goucher's campus, he was facing, in approximate order of seriousness, the prospect of shaming on prime-time television; the confinement of house arrest pending a deportation hearing, currently scheduled for next March; and the increasing likelihood of a trial back in Rwanda that could result in life imprisonment. He'd found himself cast as a martyr, a victim of the supposed intolerance of Kagame and the perceived gullibility of the media. What the defense of him lacked, however, was any specificity. That was why I had gone to visit him: to hear his version of what happened back in 1994.

I already knew something about him. He'd sent me a voluminous statement that included a twelve-page timeline of important events in his life. Prior to 1994, it said, Munyakazi had taught at the National University of Rwanda. Aloys Habimana, who knew him there, had told me the professor was the type of thinker prone to pronounce "peculiar kinds of positions"—a contrarian. "He was always disagreeing with the people in power," Habimana recalled. "Even before the genocide."

I knew that Munyakazi had been involved in his teachers' union and that, in 1992, he had been elected secretary general of Rwanda's national labor organization. Jean Bosco Mutangana had told me that the union was "very much attached" to the ruling party and its ideology of Hutu Power, but the Rwanda scholars I'd talked to had disputed that, saying the union played a somewhat independent role. "He did not buy into Hutu Power," said Paul Rusesabagina, who knew Munyakazi back then. But, even if that was true, it said nothing definite about his innocence. Once the killing started, people did inconsistent, unthinkable things. "In the hysteria of Rwanda in April 1994," one historian has written, "almost anybody might turn into a killer."

Fifteen years later, in his living room in Maryland, Munyakazi handed me a book by Bernard Lugan, a French academic who argues—contrary to the generally accepted view—that the genocide was not a centrally planned event, but rather a spontaneous popular uprising. "It was chaos," Munyakazi said. "No one could tell who's killing who and why." As he spoke, his wife Catherine, a Tutsi, sat with her back to us, quietly surveilling our conversation as she tapped on the family computer.

Munyakazi told me that he was living in Kigali at the time the president's plane was shot down. Five days later, he said he received warning that the *interahamwe*, the ruling-party militia, was heading for his home. Munyakazi said he fled with his family just ahead of the attackers, who ransacked the house. The family hid for a few days at a church and with friends before Munyakazi was able to get assistance from a friend who knew General Augustin Ndindiliyimana, a senior military official. The general arranged safe passage in a convoy, which dropped Munyakazi's family back in his home village, near Gitarama.

The Rwandan case against Munyakazi gives a far less sympathetic recitation of events. It claims that Ndindiliyimana, who is now on trial before the U.N.'s International Criminal Tribunal for Rwanda, sent Munyakazi to "mobilize Gitarama residents for the killings." In the various documents produced by the prosecution, the case against Munyakazi has changed and grown more elaborate with time—a fishy indication, his defenders say—but the gist of the story is that the professor worked with the local mayor to incite others to join the genocide, which had gotten off to a slow start in the area. He allegedly participated in a town meeting where Hutus were urged to take up arms, revealed the hideouts of local Tutsis, and even oversaw some of the hunting, armed with an AK-47. He is not alleged to have killed anyone personally, but the genocide's organizers seldom did the dirty work. Mutangana told me the indictment was based in large part on the testimony of defendants who'd confessed in the *gacaca* courts. "These are the people who participated in the genocide themselves, who say they worked with him all the time," the prosecutor said.

Munyakazi admitted that he was issued an AK-47 by the mayor, but denied the rest. He said the gun was for the protection of his family—after all, his wife is a Tutsi—and he handed me a series of affidavits signed by people from his home area, Tutsis who claimed he'd helped them avert death by securing false ID cards listing their ethnicity as Hutu. "I went and negotiated with the mayor, because he was my former college student," Munyakazi said. He also claimed to have sheltered Tutsis. "I never saw anybody being killed in my neighborhood," he said. "Instead, I saw people who were hiding on my property."

Given what he was telling me—that Tutsis were being slaughtered—I was curious to hear why he didn't think the word "genocide" applied. "The classic definition of genocide doesn't fit the situation in Rwanda," he said, pointing out that many Tutsis had survived. "I know there were Tutsis who were not targeted," he said, bringing up the case of the roughly 1,000 refugees inside the Hotel des Mille Collines, whom Paul Rusesabagina managed to save through wheedling and bribery.

Catherine, who had been quiet up to this point, broke in. "Yes, they paid!" she said, contradicting her husband. I asked Catherine if she felt threatened, as a Tutsi, during the genocide. "Yes, of course," she replied, in a weak voice. (Indeed, she had lost family members.)

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Her husband cut her off. "If we go systematically and do a very clean and clear analysis of the situation," the professor said, "I know there are examples of some Tutsi who were not targeted, so it is not accurate to say it is only on the basis of ethnicity."

He told me that the key to understanding what had happened was the fear of Kagame's rebels in the Hutu populace. "They had been infiltrating the country, to convince and persuade some Tutsi people to be their members," Munyakazi said. He claimed that it was these "infiltrators" who were targeted by the *interahamwe*. Moderate Hutus, he said, were also targeted. "Whoever was considered as a collaborator, as an accomplice, of the RPF was killed."

Munyakazi seemed to be repeating, in scholarly guise, the very justification invoked by the genocide's authors—that the victims were Kagame's spies. I pointed out that most Tutsis who were killed weren't working with the rebels; they were the poor and powerless of the villages. "I know," Munyakazi replied. But again, he said, the killers were gripped by "the fear that the RPF didn't want to come peacefully and share power—that it wanted to reinstall the former feudalist system."

Catherine had turned back to her computer screen. Munyakazi kept on talking—just theorizing, he assured me. "Now maybe some were having the final solution," he said. "Saying, 'Ah, maybe it would be better to finish for good this question, this conflict, by killing as many Tutsi as possible.' Some would have maybe this opinion. But I never heard anybody express it. I'm just thinking."

Five days before "The Wanted" was set to debut in mid-July, NBC threw a premiere party for the show on Capitol Hill. Charlie Ebersol was there, in a chic gray suit and laceless black Converse sneakers, along with the members of his fugitive-tracking team. Eventually, the lights dimmed, and the first episode began to roll. The show opened with grainy news footage of terrorist attacks and an "intelligence briefing" on the team's first target: Mullah Krekar, a militant Kurdish cleric who lives in Norway. True to Ebersol's vision, the show did look like an action movie, with a swelling musical soundtrack, swooping camera shots, and meetings on rooftops. Some of the dialogue wouldn't have sounded out of place on a show like "24."

"The Wanted" has inspired a great deal of critical derision—*Variety* called it "a lowlight in a year filled with them for the news divisions," while the *Los Angeles Times* deemed its style "ridiculous"—but the show's producers have made at least one unique contribution to the debate over Munyakazi: They actually talked to Rwandans about him. The episode on the professor's case, which is likely to air in August, will give voice to this set of witnesses. In one interview, a former policeman who served time in jail after the genocide tells the investigators that Munyakazi asked him for more bullets for his AK-47. A confessed *genocidaire* tells them that the professor led him on "night patrols" that searched for Tutsis hiding in the bush. A stooped woman squats on a riverbank and recounts how she survived a massacre on that same spot, a massacre she believes Munyakazi helped to inspire. "Where is justice? They should pay for what they did," she says. "That's why we're here," Scott Tyler, the show's ex–Navy Seal, solemnly replies.

Such testimony represents an important reminder: There is an objective truth at the root of this story—something terrible did happen in Rwanda in 1994, and Leopold Munyakazi either did or did not take part in it. The question is whether it is possible, at this late date, to unearth a verifiable set of facts about his actions.

For now, the Rwandan indictment represents the most authoritative account of Munyakazi's alleged crimes. I gave copies of the indictment to several genocide experts. After reviewing it, none were convinced. Timothy Longman, a professor at Vassar College, said that an indictment based heavily on the accusations of *gacaca* defendants couldn't be taken at face value because such people often try to shift blame to others in their confessions and are vulnerable to government coercion. Others pointed to various logical discrepancies, or raised questions about timing. "This looks quite familiar: On several occasions, the regime has taken an interest in a person abroad, including by launching indictments and requesting extradition, after that person spoke out on a public occasion," said Filip Reyntjens, a professor at the University of Antwerp and another prominent Rwanda scholar. "Clearly, this is a way of attempting to silence opponents."

On the other hand, some aspects of Munyakazi's own account are damning. It doesn't look good that he was issued a gun during the genocide. And his claims that he never witnessed any killing during the period described in the indictment seem doubtful. Scott Straus, a University of Wisconsin professor who has written two books on the genocide, directed me to a reliable report that listed five mass graves containing more than 5,000 bodies found in the immediate area of Munyakazi's home.

But Straus stressed that, as incriminating as the circumstantial evidence might appear, he still believed the Rwandan prosecution was politically motivated. "It sounds to me like there's some ambiguity in the case," he said. "And the current government is exploiting that ambiguity."

On February 12, the day after the *Times* published its front-page story about Munyakazi, Alison Des Forges was flying home to Buffalo aboard a Continental Airlines flight when it crashed in icy conditions, killing everyone on board. She'd spent the final day of her life dealing with a flood of press inquiries about the case, and one of the last things she did before getting on the plane was write a three-page statement detailing her concerns. "Trial by television," it concluded, "neither does justice to the genocide and its many, many victims nor protects the rights of this professor."

When Des Forges died, Munyakazi lost his most effective defender. In May, three months after the crash, a memorial service was held in her honor at a New York University auditorium. It was a rare gathering of a far-flung community. Professors in tweed coats and exiles in baggy suits mourned their loss. Monique Mujawamariya, the friend Des Forges had helped to save from the genocide, spoke movingly of her devotion to Rwanda. A cellist played a doleful composition. "I imagine that, perhaps, upon hearing that Alison had died, some in circles of power and crime in the Great Lakes region have uncorked a few bottles," Filip Reyntjens said in his eulogy. "Let me tell them: Each of those corks is a tribute to Alison."

In the case of Leopold Munyakazi, though, it's still far from clear whether Des Forges lent her reputation to the cause of justice, or to the service of a man who is seeking to get away with murder. Back at Goucher College, Sanford Ungar still wonders about the truth. "As far as Leopold's guilt or innocence goes, I just don't know," he says. Even Des Forges, he adds, never managed to come to a definitive conclusion. "We had some very good conversations about this," Ungar recalls. "And in the last conversation that I had with her—I actually came across my notes just the other day—she said, 'You know, probably no one will ever know the answer here.'" ◆

Andrew Rice is the author of The Teeth May Smile but the Heart Does Not Forget: Murder and Memory in Uganda.

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The Decider

Who runs U.S. foreign policy?

MICHAEL CROWLEY

On the evening of Saturday, June 13, a day after the Iranian presidential election, Vice President Joe Biden was preparing for an appearance the next morning on NBC's "Meet the Press." Mahmoud Ahmadinejad, the Iranian incumbent, was already claiming a preposterously large margin of victory, and reformist protesters were clashing with *basiji* thugs in Tehran. The Obama administration faced a delicate and fluid situation, and it was far from clear what Biden should say. In circumstances like these, the vice president—especially this vice president—could not simply wing it. The administration needed to present a united front buttressed by clear talking points.

In the normal course of Washington events, the creation of talking points often involves several aides, who bicker and rewrite for hours until they've come up with a simple message for their boss. In the Bush administration, that process might have been perverted so that the vice president was telling his nominal boss what to say. But the Obama administration apparently operates differently. Rather than calling in his top foreign policy aides or formulating a stance that advanced his own agenda, Biden turned directly to Barack Obama. "The vice president said, 'What do you want me to say?' And the president and the vice president sat down and did them together," explains a senior White House aide. "And *then* they presented them to us."

When Obama came to office six months ago, he seemed likely to be consumed by domestic politics: The economy was on the brink of collapse, and health care and global warming bills were urgent priorities. His high-powered foreign policy team, led by Hillary Clinton as secretary of state and a holdover defense secretary in Robert Gates, suggested that Obama was prepared to outsource the management of world affairs to people with something more than his four years of experience on the Senate Foreign Relations Committee. Indeed, the composition of his diplomatic team—filled with egos as large as Richard Holbrooke's—suggested that, even if the president wanted to personally manage foreign policy, he wouldn't be able to.

Six months later, however, these assumptions have been shattered. Whether he is shaping the White House's message on Iran, or personally cajoling Asian leaders to crack down on North Korea, or brokering power deals among NATO allies, Obama has, in effect, been his own national security advisor and secretary of state. Unlike Bill Clinton or George W. Bush, who had world events thrust upon them, Obama seems to be more in the mold of Richard Nixon or George H.W. Bush—a president involved in foreign policy because of, not in spite of, his priorities and personal interest. "He's very engaged, very hands-on," says his longtime foreign policy adviser, Mark Lippert, now chief of staff at the National Security Council (NSC).

Obama brought to the presidency a set of clear strategic goals: He wanted to engage Iran and restart negotiations between the Israelis and the Palestinians; he wanted to pull back from Iraq and ramp up efforts in Afghanistan; he wanted to reach out to the Muslim world and burnish America's reputation abroad. But, when you talk to the president's senior staff, you find that, much as they like touting Obama's wisdom on the global chessboard, they are just as proud of how his administration has handled the *process* of foreign policy. They are the ultimate organization men and women.

To this administration, process is not simply the poor cousin of strategy. Process is what allows harmony and progress amid multiple challenges and viewpoints. Senior Obama aides call it "regular order"—a system that gives the president a diversity of views with minimal infighting and back-channel maneuvering, little leaking to the press, and no public airing of dirty laundry. "Regular order is your friend," says Denis McDonough, director of strategic communications for the NSC. "The system only works if you have adult behavior."

Thus far, the system has confounded skeptics who predicted melees among big-name advisers and conservatives who warned that Obama lacked the experience to govern in such dangerous times. "The level of harmony is just striking," says James Goldgeier, a national security aide in the Clinton White House and a political scientist at George Washington University. There are signs, however, that the administration's approach to foreign policy, however well-intentioned and well-executed, is vulnerable to unexpected challenges—the very kind that are likely to multiply the longer the president is in office.

You might call the president's fixation on process the latest iteration of "No Drama Obama"—a continuation of the radical discipline Obama's team honed during the 2008 campaign, when the candidate required his advisers to hash out debates in structured internal settings and, then, to fully support his final decision. Certainly, it served Obama well in comparison to his chief rival, Hillary Clinton, whose campaign degenerated into bitter (and all-too-publicized) infighting.

Colin Powell once called the national security apparatus "a manifestation of the personality of the president." That observation holds for Obama. But this administration's emphasis on process goes beyond the president's character. It is also a function of lessons learned from the office's previous occupants. Consider Bill Clinton. In the fall of 1993, Clinton's national security team was a mess. Like Obama today, the new president was focused on the economy and plans for a major overhaul of health care. Communism had collapsed, and foreign hotspots were relatively few and far between, but even so, many of the president's foreign policy advisers were unsure of themselves and what the president wanted from them. "I confess," then–National Security Advisor Tony Lake wrote in a longhand memo to Clinton, "to a series of constant and growing frustrations—partly at the interagency difficulties in pushing through new approaches as hard times bring out new hesitancies and partly with a White House that … still treats foreign policy as [a] 'wholly owned subsidiary.'" The result was a series of first-year fiascos—from gays in the military, to the "Black Hawk Down" episode in Somalia, to a poorly managed crisis in Haiti. By October 1993, Clinton was openly berating Lake in the Oval Office.

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Despite the ostensibly all-star team that George W. Bush brought to the White House—or, perhaps, because of it—his administration was plagued by similar dysfunction. For eight years, hawks like Dick Cheney, John Bolton, and Donald Rumsfeld fought to undercut the more pragmatic policies pushed by Colin Powell, Condoleezza Rice, and the diplomatic corps. During the Iraq war, relations between Rice and Rumsfeld reportedly deteriorated to the point where the secretary of defense had to be ordered to return the national security advisor's phone calls. Cheney assembled a staff of more than a dozen foreign policy advisers in what amounted to his own shadow national security council. The result was a schizoid approach to some of the most important security issues facing the president, including postwar planning and pre-war intelligence related to Saddam Hussein's nuclear program and Al Qaeda ties.

Partly as a result, the Obama team set out to create a strong national security team with power centralized in the White House. When George W. Bush took office in 2001, then–National Security Advisor Rice sought to whittle the NSC staff by a third. By contrast, Obama's national security advisor, Jim Jones, set out to empower the NSC. On February 23, Obama signed Presidential Directive 1, dramatically expanding the NSC to include several new cabinet officials in the council's principals meetings, including the attorney general, the secretaries of energy and homeland security, and the U.S. ambassador to the United Nations.

In its early months, Obama's team has only redoubled its belief in regular order, thanks in part to what it—and others—saw as an early failure. After the president signed a January order calling for the closure of the Guantánamo Bay detention camp, top White House officials, including chief counsel Greg Craig and counterterrorism advisor John Brennan, began an extensive review of how to deal with the 240 foreign detainees still held there. In April, word leaked that Obama might seek to resettle in the United States several Chinese Uighurs at Guantánamo who had been deemed not to be a terrorist threat. Discussions of the Uighurs had reached the senior-most levels of the NSC process, including a principals meeting attended by cabinet secretaries. The White House had carefully considered the legal and security implications of such a move—but, contrary to standard operating procedure, it had not adequately prepared members of Congress, some of whom say they were promised ample warning about any resettlements in the United States and then blindsided by the news leaks.

The fallout was fast and furious. Members of Congress, including senior Democrats like Harry Reid, grandstanded as anti-terrorism tough guys and vowed that no "terrorists" would ever be allowed on U.S. soil. Never mind the lack of realistic options for placing dozens of detainees elsewhere and the possibility that closing Gitmo might now take more than a year. The controversy was a huge setback for administration officials trying to convince allies abroad that it's safe to take in "cleared" Guantánamo detainees. White House national security officials say that, when it comes to Guantánamo, their initial process failed. "We got outside regular order," explains McDonough.

But the Gitmo snafu is the exception that proves the rule. In general, Obama's team has unfurled its policy initiatives with surprising smoothness. In mid-March, top administration officials, including Obama, Jones, Biden, Clinton, Holbrooke, and military leaders, conducted a 90-minute debate about troop levels in Afghanistan. Biden led a group pressing for limited troop deployments and a narrow counterterrorism mission focused squarely on Al Qaeda. Clinton and Holbrooke argued for a more ambitious counterinsurgency mission and a civilian surge to stabilize Afghanistan. Obama ultimately synthesized the two views into a middle course, delivering an address describing the U.S. mission as narrowly focused on hunting terrorists—but also vowing to add 4,000 troops to train Afghan forces and to improve civil society in Afghanistan. Although the broad contours of the internal debate would later leak into the media, there was no public evidence of second-guessing or wounded pride, and the Obama team has since supported the policy with remarkable uniformity.

With his priorities and interests, Obama is a foreign policy president in the mold of Richard Nixon or George H.W. Bush.

There is some irony in the Obama administration's harmonious foreign policy-making, given that the man ostensibly coordinating it—Jim Jones—has been the target of a whisper campaign about his job performance. His critics say the former Marine general is aloof from the White House bustle, bicycling home to McLean for lunch, and, at times, even forgetful. The chatter grew loud enough that Secretary Gates felt obliged to offer public words of support for Jones. ("He only works twelve hours a day," says one angry Jones defender outside the White House. "He's not trying to burnish his resumé like every other asshole." Jones told me that he pays little attention to press coverage and he doesn't feel the need to demonstrate his influence, although he adds that sometimes, he will linger after a meeting to put a thought in the president's ear "after everyone else does.")

But Jones's disfavor has been overstated. Though he lacks the close personal bond with Obama enjoyed by former campaign aides like McDonough and Lippert, he is at the president's side in nearly every important foreign policy meeting—from his audience with the Pope to his sit-down with Vladimir Putin. Obama's self-confidence allows Jones to be less assertive than some of his predecessors. And, as a military man, Jones shares Obama's strong belief in process. In a May 27 speech to the Atlantic Council, Jones joked that he was still trying to impose military-style discipline on some subordinates. "I'm finding that an order is a basis for negotiation," Jones joked. "But we're getting there."

Earlier this month, when I visited Jones in his corner office, which is spacious only by the cramped standards of the White House, he was reading a black briefing binder, which he quickly snapped shut. A large American flag hung from a tall pole by his desk. His computer monitor was in screen saver mode: solid bright green, with the black letters TOP SECRET SCI slowly scrolling past. Jones, wearing a jacket, tan pants, and brown tasseled loafers, spoke with a quiet, almost laconic, manner. He explained the value the Obama team places on internal harmony between the government's disparate cabinets and agencies, from State to the Pentagon to the CIA, when making decisions. What about the "team of rivals"? I asked. "The people he picked are working hard to make sure it didn't work out that way," he replied. Obama takes care to ensure that everyone feels their voice is heard, Jones said, thereby minimizing the risk that the disgruntled loser of a policy fight will go to the press with dissenting views

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or try to subvert the process. "The process is extraordinarily inclusive," Jones explained. "No one gets left out."

More than anyone, that mandate falls to Jones's deputy, Tom Donilon. While Jones oversees the national security structure from above, it is Donilon who spends the most time sitting down with lesser-known officials from across the government to flesh out policy options before they reach the Oval Office. "He's the key guy setting the parameters of national security policy discussion and decision-making," says one person familiar with the NSC system. Even more so than Jones, in fact, Donilon is foremost a process guy. A lawyer by training, Donilon made his name as a political operative under Jimmy Carter and Walter Mondale—"a fierce partisan," says a friend—later playing key roles in Joe Biden's 1988 and 2008 presidential bids. When, in the Clinton administration, his law-firm colleague Warren Christopher became secretary of state, Donilon followed him to Foggy Bottom as Christopher's chief of staff. Today, Donilon leads what in government parlance are known as "deputies meetings," in which second-tier officials coordinate policies and hash out competing positions before either reaching decisions or kicking issues up the chain to "principals meetings"—which usually feature cabinet secretaries, Jones, and Biden. In a busy stretch, Donilon might lead as many as four deputies meetings in one day. Afghanistan is a topic of a standing weekly meeting in the White House basement situation room.

As a veteran of Bill Clinton's administration, Donilon has been instrumental in helping the Obama team avoid the early pitfalls of the last Democratic presidency. "It took a while for that White House to get its sea legs in terms of process," says one senior Obama White House aide. Under Obama, explains the aide, the NSC makes a deal with the administration personnel who plead their policy cases at the White House: Debates will be transparent and open, with quick and crisp decisions, and—in a new innovation—meeting summaries are distributed widely and within 24 hours to ensure no one is left in the dark. In return, deputies who lose arguments must promise not to pull end-runs around the system.

So far it has worked. Take the example of Richard Holbrooke, whose famed bureaucratic maneuvering and media-friendliness runs directly counter to Obama's no-drama ethos. Six months in, Holbrooke has caused surprisingly little trouble. He reports directly to Hillary Clinton, doesn't visit the White House without her (one known exception being when Clinton fell and broke her elbow in a State Department garage, but granted Holbrooke permission to carry on without her), and has generally deferred to her in the meetings there. True, Holbrooke has tussled with Douglas Lute, who oversees the military campaign in Afghanistan at the NSC, over establishing benchmarks for progress in that country. And, in at least one instance earlier this year, Holbrooke received an angry phone call from White House chief of staff Rahm Emanuel after the diplomat was perceived to have stepped on Obama's public message about the war effort. But, in general, one administration foreign policy official says, "He hasn't acted like a showboat. He's kept a low profile. By his standards, he's a pussycat!" A small triumph of process.

The administration's emphasis on process would not work, however, if Obama did not have a clear sense of where he wanted to take foreign policy and the confidence to put himself in charge of it. He was, for example, upfront from the outset about his desire for an Israeli-Palestinian settlement, and one former Bush administration official who worked on Middle East policy and remains in touch with officials overseas says that Obama seems to be personally driving the early effort to restart the peace process. "The president is quite involved," says the former Bush official. "It's not being done by [George] Mitchell, who every of couple months reports in. It is being managed by the president, who gives him instructions."

From the start, Obama has played the role of global leader with a certain relish. On his first trip overseas, an April visit to NATO's annual summit in Strasbourg, Obama confronted an unexpected diplomatic snafu. Turkey was blocking the choice of Danish Prime Minister Anders Fogh Rasmussen to become NATO secretary general. Obama sprang into action, conducting unscripted meetings with Turkish President Abdullah Gul, and, then, later brought Gul and Rasmussen together. His intervention, coupled with a promise that Rasmussen would appoint a Turkish deputy, broke the deadlock. At a similar point in his presidency, George W. Bush may still have been relying on flashcards to learn foreign leaders' names. "This is just something he's naturally good at," Jones told me.

You hear that a lot from Obama's advisers. Unlike Clinton and Bush 43 during their first years, Obama doesn't seem to doubt himself or question his own authority when it comes to matters of state. "He's not intimidated by the foreign policy apparatus," says Lippert. He has created a system in which internal debate is open and, rather than accept prepackaged policy options, he can personally test his advisers' theories and assumptions. At times, some officials say, Obama can seem as though he understands the issues as well as—or better than—some of the experts around him. "He's very comfortable in feeling that he 'gets it,'" says another senior administration official, "and maybe he's better about crystallizing and encapsulating than others might be."

Of course, Obama has thus far enjoyed the luxury of managing a generally proactive foreign policy. He has mainly pursued a strategic vision he devised as a presidential candidate. He has reaffirmed his desire to leave Iraq, delivered on his promise to increase troop levels in Afghanistan, spoken in Prague about his vision for a world without nuclear weapons, reached out to Iran through his March Nowruz message, and extended a hand to the Muslim world with an address in Cairo. "These are things the president said he would do in the campaign," says Ben Rhodes, a NSC speechwriter and policy adviser. In that sense, what Obama has needed, at least to date, is not so much strategists as implementers, process men like Donilon and Jones who can coordinate the government around his agenda.

The unanswered question is how Obama's confidence and emphasis on process will serve him in the months and years to come, as he begins to reap the fruits—or a lack thereof—of his strategic vision. Process only works if the assumptions underlying the strategy it is meant to implement are correct, but, as nations begin to respond to Obama's initiatives, those assumptions may be tested—from Jerusalem to Moscow. Already, we have seen one hitch in the Obama model: Iran.

If the talking points that Obama and Biden crafted after the Iranian election revealed the novelty of the administration's approach to foreign policy, they also revealed its limits. The vice president's first reaction to the popular uprising in Tehran was cautious—"we don't have enough facts . . . to make a firm judgment," Biden said—as was Obama's public commentary

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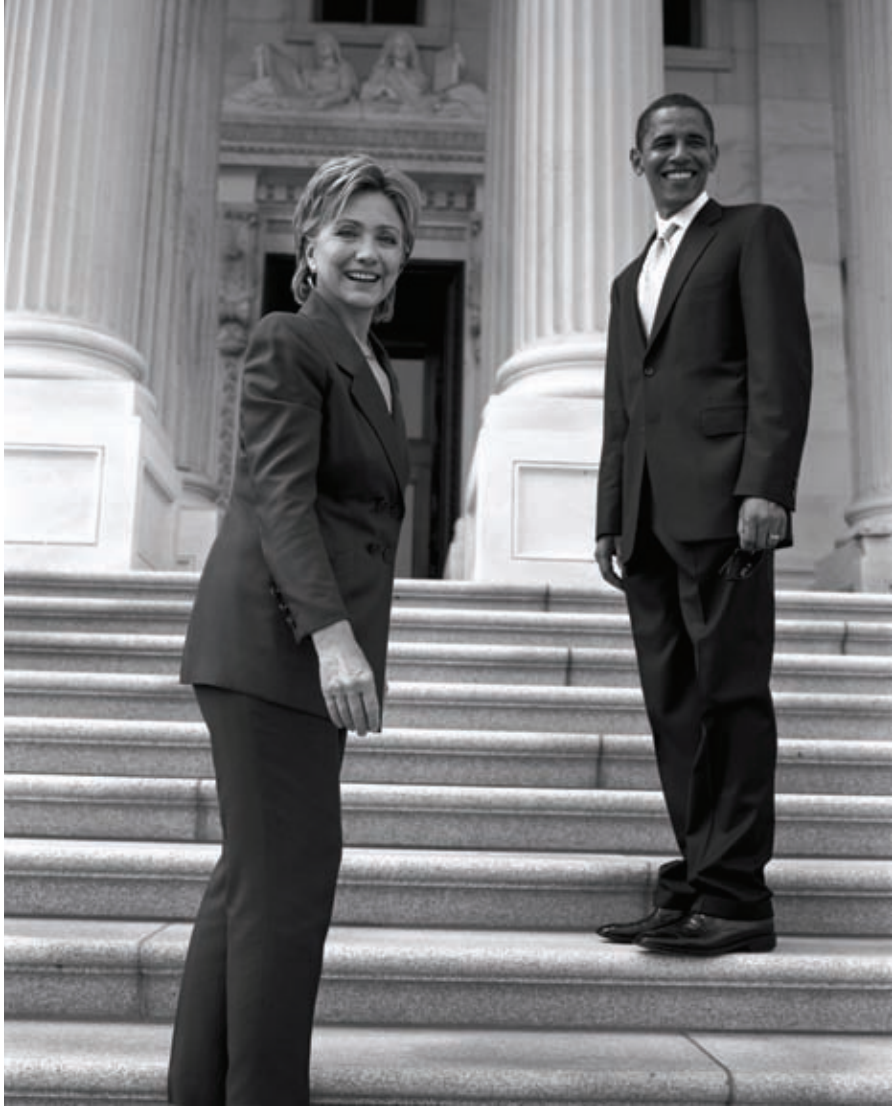

The Iranian uprising defied the simplicity of implementing Obama's strategic vision.

in the days to come, including his assertion that little substantive difference exists between Ahmadinejad and his opponent, Mir Hossein Mousavi. It was only after Iranian regime goons had been beating and killing protesters for days that Obama took a harder line, calling the crackdown "unjust" and invoking Martin Luther King Jr.'s "arc of the moral universe." With his evolving and notably mild response, Obama and his foreign policy advisers appeared for the first time to be unsure of themselves. One senior administration official, while defending Obama's response, acknowledged that it was fair to question how the White House had handled the election fallout. "We're in uncharted waters," the official says.

That much is clear. But Obama's team thought it had the waters well-charted. A thorough administration review of Iran policy lasted from January into the spring. It considered the possibility of dialogue and the prospects for economic sanctions. But it never foresaw an anti-regime uprising. ("The Iranians themselves were surprised by this," notes the official. "They certainly wouldn't have had 500 reporters there if they weren't.") The chaos from Tehran to Shiraz challenged the early model of Obama's foreign policy in two ways. First, it tested the limits of the administration's vaunted process. White House officials boast that Obama makes "crisp" decisions. But his response after the Iranian election was rather soggy. It's not precisely clear why. Had he been too wedded to a policy of engagement that had emerged from a very deliberate process? His statement quoting King sounded more convincing, more like the authentic Obama, than did his earlier notes of caution, suggesting that, in this case, neither process nor his instincts had served him well.

Perhaps more significantly, the Iranian uprising defied the simplicity of implementing Obama's strategic vision. Obama believed he could reverse the Bush administration's course and negotiate with Tehran over its nuclear program. But the difficulty of that approach has now been amply demonstrated. Not only did Ahmadinejad fail to respond to the president's initial overtures, but talking to him now could be seen as lending legitimacy to a contested regime with blood on its hands.

However much of a "natural" he may be, there are clear limits to Obama's confidence in managing foreign affairs. "He knows what he doesn't know," says Lippert. That may be why Obama recently bolstered his NSC team, transferring Dennis Ross, a veteran Middle East negotiator and the administration's current point man on Iran, from the State Department to the NSC. Obama is said to have wanted more strategic depth on his White House team, but also some added tactical prowess. (Obama was reportedly also disappointed that a June stop in Riyadh yielded no gestures toward Israel from the Saudi royals and wanted someone with Ross's experience in the region closer to his side as he manages the Middle East peace process.)

An awareness of those limitations is probably well-advised. For, in the months to come, there will be, of course, many more crises. The U.S. withdrawal from Iraq may not go smoothly. Whether Afghanistan can be tamed and Pakistan can be stabilized are open questions. North Korea remains intractable. Al Qaeda could strike again at any time. At this point in 2001, George W. Bush was just receiving a memo about Osama bin Laden's intention to strike the United States.

For now, says one former Clinton administration official closely versed in current U.S. foreign policy, Obama is maintaining order by "playing that role of the genius foreign policy president. And, as long as he does that, this system can work. But the biggest problem out there is that it is extremely difficult to imagine that even Barack Obama can keep up this juggling act for four or eight years. He is going to get distracted." White House officials say that they have explicitly planned for the stress that a major and extended crisis abroad will place on their policy-making structure. But some acknowledge that it's impossible to know whether they are truly prepared. "There is a definite humility and cognizance that, while things have gone well so far, there will be big tests," says one senior White House aide. "At some point, maybe sooner rather than later we're going to screw up mightily on something, and then we'll see how everyone reacts." ◆

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Stanley Kauffmann on Films

BEING HUMAN

Nanni Moretti, treasured in Europe, is scarcely known in the United States. This schism usually happens with film people whose work is strapped culturally to one country, but Moretti's writing and directing and acting are not only celebrated in Italy, they have prospered elsewhere. Not here, however, though his strongest concern is human commonality.

Sometimes, in a career that began in 1973, he has appeared in films directed by others. This is true of his latest, *Quiet Chaos*. He was co-author of the screenplay, adapted from a novel by Sandro Veronesi, but the picture was directed by someone else. Thus we get the chance with this film to concentrate on Moretti the actor, his screen presence and aura. He has often been compared to Woody Allen, but the comparison is weak. The two of them share only two qualities. Both of them are intelligent, with intelligent interests. Both of them are ordinary-looking; if their faces were not familiar, we would pass them in the street without a second glance. The differences between them, however, are drastic.

Allen is a comic, always groping through the serious toward the laugh; Moretti is no more comic than any of us and less than some. Most importantly, Allen performs for admiration and Moretti wants to avoid the atmosphere of performance. Unlike Allen, he wants us to focus on what is going on, not on him. He wants us to see ourselves in him, certainly including—apropos of modern pressures and eternal questions—the women in the audience. On screen he has created a being. In *The History of Italian Cinema*, just published here, Gian Piero Brunetta has a section called "Moretti's Films as the Diary of a Generation," in which he writes: "Thanks to his innate talent, Moretti was able to create a sort of autobiographical pact with his audience. He became the singer of their lives and beliefs." Perhaps *Quiet Chaos*, which is exquisitely done, will extend that pact to us.

QUIET CHAOS
IFC Films

THE GIRL FROM MONACO
Magnolia Pictures

Here Moretti plays Pietro, a successful Roman television executive in his forties. He is married and has a daughter of ten, Claudia. We see him first on a beach playing paddleball with his younger brother, Carlo. Suddenly there are calls for help from two swimmers, two women. The brothers rescue them. That same day, when Pietro gets home, he finds that his wife has been killed in an accident.

One of the rescued women figures later, strikingly, but naturally the wife's death is catastrophic. These opening sequences of overt drama are paradoxical; from then on, the drama is internal. Pietro, in the succeeding days, is not overtly grief-stricken: he simply withdraws—into the love of Claudia. He drives her to school every morning, then he waits for her all day—all day—in the park outside, except when he stops in a café for a midday bite. After school he takes Claudia home.

Yet, even while he is sitting there in the park, he is willy-nilly involved in a big business deal affecting his company. Colleagues visit him in the park, apparently understanding, in the midst of their whirl, his withdrawal. He listens, responds briefly, keeps sitting in the park. His life there takes on texture. A boy with Down syndrome is escorted through the park every day, and Pietro switches on the headlights in his car when the boy passes because he likes to wave at them. A lovely young woman walks her dog in the park every day, and she and Pietro expect each other to be there without ever speaking. An elderly widower who lives in an apartment on the park watches Pietro, senses loneliness, and invites him up for spaghetti. Through these sequences, which form a tiny cosmos, the score by Paolo Buonvino merely tinkles, as if the arrival of each note were a step onward for Pietro. At times Moretti and Buonvino almost seem to be collaborating.

Pietro is visited, too, by Marta, his sister-in-law, who had briefly been his lover long ago and who is now pregnant. She seems almost to be using her trouble as a means to draw him back into activity. But, with sympathy, he remains where he is. His brother, Carlo, induces him one evening to try some opium to break him loose. This, too, fails to "kick in." Pietro even has an explicit sex scene, apparently to show himself as well as us that he is still alive. But it does not alter his current pattern.

In time the most important man in his firm's current deal comes to the park to talk to him. (This boss is played by a well-known director who is not identified until the closing credits.) Pietro listens. But he is not really shaken out of his abeyance—not until Claudia, his adored and adoring daughter, asks him please to stop waiting for her all day. The other children are beginning to laugh at her. Claudia's plea, in itself and in its implication of distorted existence, jolts Pietro into accepting what he has really never forgotten: life, in its brutal, teasing way, has a role—some sort, anyway—for everyone. Pietro has been stunned for a while, recovering near his

ANTHONY RUSSO

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daughter. Now he resumes his performance, altered of course, but his.

I have detailed some of what happens to show that, in conventional terms, it is not much. The film depends on Moretti, who conveys the quiet chaos in Pietro with daily occurrences, not grand emotional moments. His big-nosed, bearded face seems always to be revealing what he is trying to conceal. Pietro has never been naïve: but he spends the time of the film poring over the elements in life that he is not naïve about. At the end, prompted by his daughter more than she knows, he accepts what has happened and what will happen. In any case, Claudia will be there.

The first time I saw Moretti he was a priest. In *The Mass Is Ended* (1985), which he also directed, he played a young cleric who is assigned to a parish in Rome that includes a lot of his contemporaries, young men and women with whom he once partied. The special pressures thus invoked for the priest were wonderfully realized by Moretti. Other films, often autobiographical, followed. (He has been publicly radical in politics but has lately somewhat readjusted.) The last Moretti film that I saw was also directed by him—*The Son's Room* (2001), a Cannes prizewinner, which was also about a bereaved man, the father of a teenage boy. There, too, death became an occasion for appraisal of life.

Moretti is noted in Italy for helping young directors. The director of *Quiet Chaos*, Antonello Grimaldi, is hardly a newcomer—he has been making films for twenty years—but I would hazard that Moretti saw gifts in him that were not being fully used and helped him here to exercise them. Grimaldi has a good sense of integration, melding the composition of the shot and the camera angle with what is thematic in the scene. A slow circling of Pietro on his cell phone at a stressed moment underscores the troubles inside him. A long shot of the big capitalist arriving in the park, accompanied by three bodyguards, tells us all we need to know about the approach of power. Fundamentally, Grimaldi understands the film's pulse, how its kinetics move from the visible to the internal. I kept wondering how much Moretti had helped with the directing. At least he must have agreed with it, shot by shot. Anyway, the result is a film that lingers, almost musically, within the viewer.

The Girl From Monaco sounds like the title of a farce. Well, this French film is a farce, but it is also a comedy of manners, as well as a drama with a jagged edge at the close. This mixture was purposefully designed. The screenplay by the director Anne Fontaine, aided by Benoît Graffin, was apparently intended as a typical "French film" modernized. Fontaine, a deft hand, tells us from the start that she wants her gambols, essentially from the past, to know which century they are gamboling in.

Take the opening minutes. A couple in evening dress are kissing at night in a palatial garden. He then woos her with a sophisticated line, which she enjoys, but she interrupts him to point out a man standing nearby who has been following them all evening. She asks her wooer, who is considerably older than she is, to speak to that man. He does, and he learns that the other man is a bodyguard who has been assigned to him, to follow him even when wooing.

This mature lover is a famous lawyer, Bertrand Beauvois, who is in Monaco to defend a woman accused of murder. The victim was a Russian, and the woman's son, a wealthy man, is afraid that Russian thugs will kill his mother's lawyer. The son has engaged this guard to protect Bertrand. (As for the girlfriend wooed at the opening, she simply leaves the picture, which tells us something about the previously ardent Bertrand.) Thus, in the first few minutes, sophisticated talk, farcical juxtaposition, and homicide are all deployed. By its very mélange, this "French film" wants to be typical but up-to-cultural-date.

One more important person is added, Audrey, a weather girl from television who sets her cap—to put it politely—for Bertrand. (An echo here of Chabrol's *A Girl Cut in Two*.) It is soon clear that, if there were a sexual Olympics, Audrey would be a contender in several events. Bertrand is quite conscious that he is being inveigled by her yet wants it to happen. The sexual musk is thickened by the fact that Bertrand's bodyguard, Christophe, had known Audrey intimately two years earlier. Through this fact and others, Christophe becomes as much Bertrand's guide as bodyguard.

Fontaine, a clever director, keeps her film highly mobile and well inflected: when darker moments come along in the general lightness, she accommodates them easily. Fabrice Luchini, a reliable actor, makes Bertrand a man who knows he is being a fool, has been foolish before, has handled it , and thinks he can do it again. Roschdy Zem, a hunk, is Christophe and provides several kinds of attractive weight. Louise Bourgoin—a dish, of course—breezes through as Audrey, with an air about her antics that has a hint of menace. Stéphane Audran, lovely these many years, is regal as the alleged murderer on trial.

The picture ends with a triad: cruelty, generosity, and irony are interwoven. Remembering the lighter moments, we may possibly be surprised by the ending, but we really have no right to be: the other elements have been there throughout. *The Girl From Monaco* has continually threatened to be a bit more than fluff. ◆

Jed Perl on Art

GENERATIONS

The exhibition of Picasso's late work at the Gagosian Gallery this spring was a phenomenon. Day after day, Gagosian's huge space on West 21st Street attracted a remarkably heterogeneous public, a mix of artists, art students, Brooklyn hipsters, well-heeled professionals, and European and Asian tourists, gathered together in a way I do not recall seeing before, certainly not in Chelsea. People did not just come and look. They stayed and talked about the quickening, raucous power of the paintings and prints that Picasso was making in his late eighties and early nineties. Anything by Picasso is of course a draw, and it helped that John Richardson had organized the exhibition. He knew Picasso in his later years, and the Gagosian show, while it surely had its commercial motivations, was given an intellectual lift by Richardson, whose magnificent biography of Picasso, of which three volumes have appeared, is written in a prose as elegant, easy, and exact as any being produced today.

By mounting "Picasso: *Mosqueteros*" in a Chelsea location rather than in one of its spaces on Madison Avenue, the Gagosian Gallery meant to bring Picasso into the present—to argue that his late work has a place in the city's premier neighborhood for the exhibition and the sale of contemporary art. I think they were right; and much of what a gallerygoer saw this spring in the way of contemporary art was set in a dramatic dialogue

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with "*Mosqueteros*." At a time when many artists are cultivating a slacker style, and when gallerygoers, perhaps in response, are acting as if being blasé equals being in the know, it was amazing to realize how desperately art mattered to this very old Spaniard. For Picasso, artistic tradition was so expansive and so strong that it could contain anything—a raging libido, an obsessive fear of death.

The human figure had always been Picasso's essential subject. In the years leading up to his death in 1973 he seemed to be reviewing a lifetime's experiences with the figure, along with the entirety of the Western tradition. That helps to explain the preponderance in this work of men in seventeenth-century dress—the dress of the age of Rembrandt and Velázquez, two of the essential masters for Picasso. The *mosqueteros*, Richardson writes, began as "a troop of Rembrandtian militia men in full regalia." In Spain, in the Golden Age, the word also referred to "the noisy groundlings in the corrales," a heterogeneous gathering of hangers-on whom Richardson sees as recapitulated in Picasso's etchings and related to the theatrical folk of the Rose Period, though "they have shed the rosewater taint of Symbolism."

In Picasso's late etchings, the narrative encounters that had engaged him throughout his life are recapitulated, with striking confrontations between man and woman, young and old, artist and model, lover and beloved. And in the paintings, many of which are as bold as playing cards, the figures are frequently picked off one by one, outlined and summarized with powerful arabesques. These late works are not all successes. Especially among the paintings, there are quite a few that feel unfinished, merely dashed off. Still, it is not easy to dismiss even the weakest among them, as Picasso's greatest successes often strike a viewer as swiftly executed. Everywhere you are aware of Picasso's intense engagement with the act of painting. You feel it in the insistence with which his drawing always enriches the essential rectangle of the canvas, and in the power of his peculiarly dissonant color combinations.

The late paintings, with their seignorial indifference to what might be called the proprieties of painting, are a volcano erupting at the very core of modern art. This volcanic power, contrary to what has been said about the unprecedented nature of the Gagosian show, has been recognized, at least by some observers, since the beginning. It is true that there have been strong voices marshaled against the later Picasso, beginning with Clement Greenberg, who in 1966 stated that on the basis of what Picasso had done in the previous two decades he could no longer be regarded as a "major" or "advanced" artist. Eight years later, however, André Malraux published a great book about the artist's final phase, *La Tête d'obsidienne*, which was published in English as *Picasso's Mask*. In 1981, Picasso's late work was included in an important survey show called "A New Spirit in Painting" at the Royal Academy in London, and there were memorable exhibitions of late Picasso in New York as early as 1981 and 1984. But perhaps it has taken until now, when all the theories of the avant-garde have turned out to amount to a hill of beans, for Picasso's perfervid anti-theoretical avant-gardism to strike New York with its full tidal force.

PICASSO: MOSQUETEROS
Gagosian Gallery

YOUNGER THAN JESUS
New Museum

THE PICTURES GENERATION, 1974–1984
Metropolitan Museum of Art

COMPASS IN HAND
Museum of Modern Art

It is this fanaticism that is missing in contemporary art right now, this feeling that art can matter *this* much. We are in the grip of an apathy so profound that it does not lift even when there are worthy things to see in the galleries, as has certainly been the case in the last few months. I was held at the Gladstone Gallery by Andrew Lord's clay and plaster sculptures, which when taken together suggest a dream landscape dotted with crumbling monuments and romantic towers. Gregory Crane, in his drawings at Cheryl Pelavin, spins quirky pastoral visions through the fantastical elaboration of a Brooklyn backyard garden and a Midwestern farm. Andrew Raftery's engravings of the interior of a house, at Mary Ryan, are executed in an academic technique so scrupulously impersonal that it becomes a personal statement. Temma Bell, at the Bowery Gallery, had her most confident show in years, her impressions of life in the Catskills rendered with exactitude and ease. At Elizabeth Harris, Thornton Willis struck out in a new direction, abandoning the triangular forms that have preoccupied him for many years in favor of rectilinear structures that suggest a painterly salute to Mondrian's *New York City* compositions. Robert Taplin, in a show of sculpture groups in diorama-style settings at Winston Wächter, invented some striking domestic allegories. And Lennart Anderson, at Leigh Morse, exhibited figures and still lifes in dark, rich, coppery colors that achieve a fierce yet muffled power.

This catalogue of some of the most significant exhibitions by contemporary artists does not even begin to describe the season's attractions. And yet a gallerygoer could feel something wanting—the thrilling power of artists to create force fields, to set off reverberations that stir passion, polemic, debate. I do not think the artists are to blame for this muddled state of affairs. The trouble begins with a widespread skepticism about the meaning or the value of art, a skepticism that can plague even those who want to feel otherwise. There seems little willingness to throw down the gauntlet, to go out on a limb, to argue ferociously because urgent and significant matters are at stake. This lack of excitement, I mean of the primary kind, has been variously described as postmodern, post-historical, or post-ideological, the idea being that we have gone beyond the old foolish strife, so that art can now simply be accepted as anything that anybody wants it to be.

But a theory of art that is grounded in the assumption that art can do without ardor is dangerous for art, and therefore for us. Art is by its very nature a form of emphasis and extremism. Artistic truth is an exaggeration, and a distortion of ordinary truth. This is something that Picasso teaches us, time and again. The artist takes experiences and apprehensions and enlarges them, extends them. Such an activity cannot be defined negatively, at least not for very long. No art worth considering can ever really be understood as post-this or post-that—as a rejection of classicism or of modernism or, for that matter, of Dadaism. Whatever its historical debts and struggles, art makes its claims in the present—as an argument for the value of immediate experience, and as a vindication of it.

Nowhere in recent months have the fascinations and the failures of this post-everything mentality been on display more clearly than at the New Museum, which was host to "Younger Than Jesus," a gathering of work by fifty artists born after 1976 that is billed as the first installment of a triennial called "The Generational." The New Museum, in its spanking new home on the Bowery, has caught the fancy of a young and attractive crowd, and from the moment you walk into the elevator, with its mirror-polished panels that are

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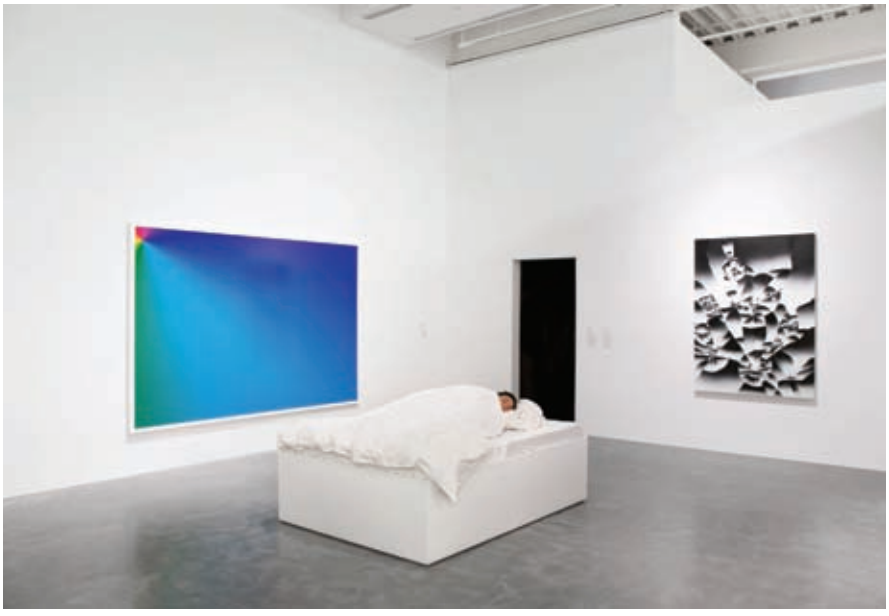
perfect for seeing and being seen, you know that this is the place to be. I found things to like at "Younger Than Jesus," where the work on display reflects a good deal of ingenuity. But after a while this stuff has a way of feeling a little too ingenious for its own good. Some of the most interesting artists in "Younger Than Jesus" are theorists and esotericists and historians of art, which is not the same thing as being artists. Visitors are encouraged to indulge an interest in experimental film, in foreign cultures, in the human body. The museumgoer's mind is led in this direction and that.

There is something for everybody at "Younger Than Jesus." I was exercised, as many people have been, by Cyprien Gaillard's video *Desniansky Raion*, with its gritty melancholy footage of dramatically designed public housing in Belgrade, a battle between members of two underground fight clubs in St. Petersburg, and housing projects in France and the Desniansky Raion district outside Kiev. I was amused by Haris Epaminonda's collages, with their cut-and-paste evocations of the Mediterranean world, all classical experience distilled in a postcard of an ancient statue. Emre Hüner's *Panoptikon*, a nightmarish fantasy universe presented in the form of a digital animation, falls somewhere between folk art and kitsch, the horrors gift-wrapped, like brightly packaged goods seen in a grocery store in a country you are visiting for the first time. Anna Molska's video *Tanagram*, with two practically naked men in what are described as modern versions of gladiator costumes pushing around gigantic geometric shapes, suggests an update on the coolly erotic performances that Oskar Schlemmer mounted at the Bauhaus. And it is certainly hard to ignore Chu Yun's piece, which consists of what is referred to as a "female participant" who has been given a sleeping pill and left to lie unconscious on a bed in the middle of the gallery, as if Madame Tussaud's waxworks were on the verge of coming to life.

The works in "Younger Than Jesus" grab you, but they make it all too easy for you to let go. These artists tend to make their appeal on the basis of their singularity, their novelty, their oddity. Each piece is a concept engineered to hold its own in an environment in which many other concepts are competing for a museumgoer's attention. It was of course Duchamp, nearly a century ago, who gave artists permission to do anything they please in a gallery—but Duchamp was a man with a developed sense of the power of painting and sculpture, traditions with enormous force fields to which he opposed his own. "Younger Than Jesus" could be said to celebrate marginality, eccentricity, the pleasures of doing your own thing. After which the marketing begins.



View of "Younger Than Jesus" at the New Museum with Chu Yun's *This is XX*

COURTESY NEW MUSEUM

Bruce Nauman, the old master of the post-everything mentality and the artist who is representing the United States at this summer's Venice Biennale, may have a few years on Jesus, but for the youngsters at the New Museum he is the savior—the man who first proved that an artist need not have any particular artisanal orientation. He has a force field for any occasion, and when his force fields lack force the critics announce that they are in the presence of a new source of power. Nauman's earliest and best work—videos and holograms in which the artist plays a handsome young bohemian clown—was done in the late 1960s. I have not seen *Days/Giorni*, the work he did for Venice, but it is invariably described as consisting of two rows of speakers out of which come the voices of people intoning the days of the week. Nauman explained to a reporter how the project came to be: "I was having a hard time working, but still I would go to the studio every day. Day after day I kept thinking, what am I going to do, it's Monday, it's Tuesday, and then I thought: okay, I'll do something about the days of the week." I cannot imagine a better illustration of what happens when an artist has completely rejected the idea of a traditional artistic vocation. Nauman's big idea is that he has run out of ideas. His subject is the search for a subject, which is the moldiest of avant-garde clichés, and therefore perfect for this moment when the powers that be like nothing better than recycled avant-garde clichés.

How we ended up here is the subject of "The Pictures Generation, 1974–1984" at the Metropolitan Museum of Art, although for Douglas Eklund, who organized the show, this is by no means a cautionary tale. Eklund's title derives from a small group show called "Pictures" that was mounted in 1977 at Artists Space, a widely respected alternative exhibition venue in Manhattan. In his catalogue, Eklund lingers over the *bildungsroman* aspect of his story of young artists from art schools around the country who were beginning to make it in New York in the 1970s and 1980s, and he manages to give a swaggering storyteller's aspect to what might otherwise seem little more than another show tracking art-world trends. I doubt that Eklund's exhibition would have been mounted at the Metropolitan if it did not include work by such art-world heavy hitters as Cindy Sherman, Richard Prince, and David Salle. That none of them was included in the original Artists Space show, which had only five participants, is an inconvenient fact that did not keep Eklund from organizing an exhibition that includes nearly thirty artists (and excludes one of the original "Pictures" people, Philip Smith).

Eklund's story is about the beginnings of what is now known as appropriation—the act of lifting images more or less wholesale from already existing works, whether high art or pop culture,

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and reframing them within one's own work. This is very different from the way painters and sculptors have for centuries quoted from the work of earlier artists, which involved an emotional engagement with the inner life of a previous achievement, in the sense that Michelangelo engaged with Masaccio, or Picasso with Velázquez. Appropriation is a way of dehumanizing images, and its rise happened to parallel that of *October*, the magazine that dehumanized the history of art. The catalogue for the original Artists Space show contained an essay by Douglas Crimp, who would soon become a key figure at *October* magazine, where in the 1980s theoretical models, often derived from semiotics or linguistics or the social sciences, were marshaled as part of a concerted assault on the idea of the history of art as a coherent development with its own internal logic. The editors at *October* claimed to be bringing fresh ideas into an insular scholarly community, but what they mostly seemed to want was to sever meanings from emotions and to view works of art as little more than puzzles or palimpsests to be decoded by means of a system to which only the initiates had the key.

Appropriation, which turned art into a form of social commentary, was tailor-made for the *October* crowd. In his original "Pictures" essay, Crimp made the case for a group of artists who were interested in "representation freed from the tyranny of the represented." Although I am not sure exactly what this means, I suspect the argument goes something like this. When Richard Prince re-photographs an ad for Marlboro cigarettes, or Sherrie Levine re-photographs a Walker Evans photograph or makes a detailed copy of a Stuart Davis painting, the appropriated work ends up meaning what Prince or Levine wants it to mean, not what the ad executive or photographer or painter who created it in the first place had in mind. Why any of this was especially new in 1977 is unclear. Everybody was aware that Warhol and Lichtenstein had been doing this kind of stuff fifteen years earlier. And Duchamp had done it long before that. Even the avant-garde cannot escape the tyranny of tradition. (A recent anthology about appropriation, published by MIT Press, opens with excerpts from Flaubert's *Dictionary of Received Ideas*.) But for the purposes of "The Pictures Generation," the 1970s were the time when Conceptualism ruled and imagery was forbidden—and along came Levine, Prince, Sherman, and Salle, returning to representation and breathing fresh life into art.

The Metropolitan has made a major commitment to this exhibition. Eklund's installation, which goes on practically forever, includes books, photographs, drawings, paintings, collages, prints, magazines, gallery announcements, videos, movies, and more, all layered and juxtaposed to create a jam-packed environment that arguably has less in common with the rather ascetic presentations of the 1970s and 1980s than with the anything-goes-anywhere exhibition style now embraced by curators for shows such as "Younger Than Jesus." "The Pictures Generation" contains a good deal of chilly, inscrutable work, which may leave visitors scratching their heads. But just when they begin to feel completely at sea, they will come upon something in which the imagery is reassuringly familiar. Sherrie Levine offers silhouettes of presidential faces cut out of photographs of fashion models. In Cindy Sherman's *Untitled Film Stills*, the artist often plays the damsel in distress in scenarios that echo B movies and TV soaps, disguising herself with a variety of costumes, wigs, and makeup. David Salle's early painting *We'll Shake the Bag* includes a washy rendering of a couple lying in bed and a line drawing of boys playing a game. And in Louise Lawler's photographs of the interior of the home of the art collectors Burton and Emily Tremaine, we see a circular painting by Robert Delaunay partly obscured by a television set and a Pollock hanging above a credenza on which is displayed a soup tureen in a traditional floral pattern. These young post-conceptual artists are shown leading the way back to representational—and frequently pop-oriented—content. Although Eklund wants it understood that he has a healthy skepticism about the big, frolicsome art world of today, the exhibition provides part of the backstory for the current market, thereby giving the Wall Street tycoons who buy the dumb stuff produced by Sherman and Prince—and also Koons and Hirst—some assurance that the scholarly footnotes for their holdings are all in place.

While Eklund has wrapped "The Pictures Generation" in the mantle of historical impartiality, this is a highly partisan account of recent history—more partisan than Eklund, who studied the Gospel according to *October* when he was in graduate school, can probably imagine. Even the briefest quotations from his catalogue give a sense of the problem. "Although painting was beginning to stir again after a decade in the post-Conceptual wilderness," he writes at one point, "the most important American art of the late 1970s was interdisciplinary in nature, bearing the imprint of experimental theater and performance, which had filled the void while the art market was in the doldrums." I could not care less what Douglas Eklund thinks about painting in the 1970s, except that he is saying this under the auspices of the Metropolitan Museum of Art, which lends his words an authority that they do not deserve.

Many of the New York artists who visit the Metropolitan on a regular basis

Split

We speak of rebellion when the kid
is a hellion and the folks are as mild
as a spoon.

Likewise Republicans
born of freethinking lesbians

seem like reactors, turncoats
on how they were raised.
Let me offer another

concatenation
of this explanation. Think of your mother

as one discreet corner
of a person with a multiple
mental disorder.
You're one of the others. One that split off.

Not a turncoat then, but the expression
of what was suppressed. The same woman,
your mother, who wants to help others,

also likes life as a racket
where the best finagler wins.

For reasons we do not fully assemble
she cannot voice this redder side
of her nature and the voicing of it,
that is you.

You are not teaching the former
generation.

Their frenzied distaste in certain directions
was the cue you used

to decipher the code
of just how you were not
to do as you were being told.

JENNIFER MICHAEL HECHT

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will have no trouble seeing that what Eklund is offering is not a historical judgment but a value judgment. Who said that painting was in the wilderness in the 1970s? That was a time when artists such as Alex Katz and Ellsworth Kelly, who are now regarded with acute interest by many younger painters, were having vibrant careers. Eklund at one point says that his Pictures Generation "was but one manifestation of a widespread return to representation that included New Image, New Wave, 'Bad' Painting, and Neo-Expressionism," but the import of this trendy list is that anybody who had not at some point rejected painting or representation is somehow insufficiently avant-gardist to be acceptable. There were many different kinds of representational painters—Leland Bell, Susan Daykin, and Stanley Lewis, to name a few—who were doing good work back then. And for people who care about the development of painting in the past forty years, there is the decisive figure of Bill Jensen, who was already doing strong abstract paintings in 1976, and was at the time showing in exactly the sorts of alternative spaces where Eklund's favorites were getting their start.

Eklund's partisan view of recent history serves a more general misunderstanding of the history of art. By the end of his catalogue, painting is re-emerging, and there is a sense that the Pictures Generation has played a not-insignificant part in that rebirth. "It is hard to recall in our pluralistic, ahistorical art moment," he observes, "that there once was a time when painting on canvas indelibly marked an artist as retrograde, conservative, part of the problem, in the eyes of critics on the Left." That "on the Left" is of course Eklund's compromise with those who may disagree. But the entire thrust of his show and his catalogue suggests that those critics were correct. He writes that "the logical next step in the years just before 1980 surely would be to let paintings back in to the mix, as long as they kept the requisite distance and winked a little at their own complicity." Eklund is a crafty writer, so that one is not quite sure if he is giving his own wink to the return of painting, or merely recording the winking of the actors in his story, who at this point include German painters such as Polke and Richter. My feeling is that it hardly matters where Eklund is in all this, because however he may choose to situate himself, he is in the service of a very troubling historical scenario.

"Logical next step" is pure art-world Leninism, grounded in the idea that there is always a vanguard with a privileged knowledge of History. Consciously or not, Eklund subscribes to this awful faith. And where does this leave the Metropolitan Museum of Art? Is it condoning this tyrannical teleology, without which the entire structure of "The Pictures Generation" would collapse? The trouble with the idea of a return to painting is that it is grounded in the belief that painting is expendable, when in fact it is a fundamental artistic inclination that goes back to the beginnings of human history—and shows no signs of going away. Painting is not around today because the Pictures Generation woke up one morning and discovered the work of Caravaggio or Picabia or Picasso. And its health has little or nothing to do with New Image, New Wave, "Bad" Painting, and Neo-Expressionism. Painting is part of "the mix," to use Eklund's complacent term, because painting is always here—because it is an essential human avowal.

Most defenses of tradition in the arts eventually degenerate into parochialism. The Museum of Modern Art has been grappling with this problem for three-quarters of a century, and there has rarely been a time when this museum, which aims to define and defend a modern tradition in the arts, has not been under attack from some quarter of the arts community, often for good reason. In the 1930s and 1940s, the museum's founding director, Alfred H. Barr Jr., sometimes seemed to believe that abstract art had spent itself, and that art's future might involve a return to representation—ideas that enraged much of New York's avant-garde. A generation later, when William Rubin was shaping the museum's permanent collection of painting and sculpture, he argued for a rigorously formal reading of the modern tradition, which many New York artists and critics found inadequate. The greatness of the Museum of Modern Art had everything to do with the force of the arguments about tradition that the museum managed to provoke well beyond its own walls.

Nowadays MoMA aspires to be all things to all people, the most recent evidence being an exhibition of recent drawings called "Compass in Hand: Selections from the Judith Rothschild Foundation Contemporary Drawings Collection." Here we find drawing, perhaps the essential artistic act, and certainly an age-old catalyst for a kaleidoscopic array of individual expressions, presented as a pluralist playground. The collection, which was given to the Modern after being put together by Harvey S. Shipley Miller of the Rothschild Foundation, has provoked worries about the museum's independence, but Gary Garrels, who was a curator at the Modern when the work was assembled, exercised whatever oversight he saw fit. In any event, the shapelessness of the show is a reflection of the Modern's lack of interest in taking any clear direction. At "Compass in Hand," the definition of drawing is so open-ended as to suggest not catholicity but provincialism. Nowadays the Modern spends a lot of energy just trying to catch up with the market: witness the shows of such hot properties as Marlene Dumas, who offers dark-toned paintings chronicling various sexual and psychic troubles, and Pipilotti Rist, who created a bright funhouse installation in the atrium, and Martin Kippenberger, whose posthumous retrospective tracked his bad-boy eclecticism through installations of found objects, little drawings on hotel stationery, and slapdash paintings. In this context, "Compass in Hand" is the ultimate sweep-up activity, covering everything not treated elsewhere in the building.

"Compass in Hand" is an overview of acceptable taste, including established figures (Brice Marden, Ellsworth Kelly), younger stars (Elizabeth Peyton, John Currin, Peter Doig), enthusiasms for Outsider Art (Henry Darger), and erotic kitsch (Tom of Finland). This is not to say that the exhibition lacks its own ideological bent. When it comes to representational art, there is a preference for irony and appropriation over anything that might be associated with sincerity or authenticity, so that you will find nothing by a veteran realist such as Lennart Anderson or a younger artist such as Ian Tornay, who has in recent years done some beautiful, brooding landscape drawings. I was interested to see, in *The Brooklyn Rail*, a publication that still provides an independent voice in the arts, a critical review of "Compass in Hand" by Thomas Micchelli, in which he singles out the work of Sherrie Levine, a member of Eklund's Pictures Generation. Micchelli describes Levine's appropriation of a painting by Morandi, which she has copied in gouache, ink, and pencil, as an "impersonation of the 20th-century Italian master's style." "The image," he observes, "becomes nothing more than a pictorial reference … in the service of the artist's agenda; it does not have a life of its own." He concludes that "the enterprise of drawing … threatens to fall into a Babel of hermetic stylings." Amen.

I suspect that a deep tension runs through the staff of the Museum of Modern Art today, and that for every person

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who wants the museum to remain the well-oiled tourist machine that it has become since re-opening in 2004, there are others who want to reclaim the museum's old prestige. In recent years the best news at the Modern has been a series of exhibitions that reconnect with some of the late nineteenth- and early twentieth-century artists who were important to the museum in its early days. We have had terrific shows devoted to Redon and to Seurat's drawings. This summer the central attraction is a retrospective of work by James Ensor, the Belgian eccentric whose paintings describe a nightmarish *commedia dell'arte* world that suggests narrative possibilities grounded not in lucid structure but in some tangled dream logic. With Ensor, as with Redon and Seurat, the Modern is offering the sort of back-to-the-future thinking that Barr had in mind when, in the years after World War II, he focused his attention on the permanent collection. He had probably concluded that in an art capital as bewilderingly complex as New York, the best way for the Museum of Modern Art to serve the public was by attending to the historical record. While the Modern should never abandon the art of the present, its greatest service to the present will probably always be its attention to the past.

"Picasso: *Mosqueteros*" was precisely the kind of back-to-the-future event that New Yorkers hunger for. The curators at the Museum of Modern Art would do well to consider the tremendous impact that the Gagosian show had on the public, creating an excitement that no exhibition at MoMA has matched in recent years. There was much to be learned at Gagosian about a great artist's sense of the absoluteness of painting as a tradition—and about the absoluteness of the freedom that he could achieve within that tradition. In his later years Picasso probably would have laughed at the thought that appropriation was a new idea. Hadn't he incorporated a photolithographic reproduction of caning in a canvas that he had done a lifetime earlier, in 1912? And he created more than one alternative media, beginning with sculptures that moved to music for the ballet *Parade* in 1917. Yet whatever Picasso did and wherever he wandered, he always returned to—he always depended on—the power of painting.

In his later years the idea of painting, reflected in countless canvases and drawings and prints of the artist at work at his easel, was among Picasso's abiding subjects. And in one of the grandest etchings in the Gagosian show, he invokes Balzac's story "The Unknown Masterpiece," about a seventeenth-century master who labors for years on a portrait of a beautiful woman but ends up with what amounts to an abstraction. This tale of the mysteries of tradition was admired by Cézanne, and was illustrated by Picasso in the 1920s, and would later fascinate de Kooning. In this etching, the confrontation between the artist and the model is complicated by the presence of another naked woman and another older man who, like the artist himself, is in the elegant garb of a Baroque gentleman. There is even an owl perched on top of the easel. The print becomes an allegory of seeing and understanding, with the two gentlemen, one with a paintbrush and one with a scroll, suggesting art and literature, or perhaps the contemplative life of the artist and the active life of the diplomat (which is how the figure is identified in the catalogue).

This magnificent print is about the capacity of painting to contain everything: wisdom and absurdity, sex and ideas, the public and the private. It was done in May 1968, when I imagine Douglas Eklund thinks painting was in the wilderness, waiting for the Pictures Generation to tell everybody what to do next. The truth is that painting was never in the wilderness. Malraux published his great book about late Picasso in 1974. He recalled that when the paintings of Picasso's last years were exhibited at the Palais des Papes in Avignon, the ancient rooms were full of radicals and hippies, who argued heatedly and excitedly about what Picasso was doing. That the Metropolitan Museum of Art has seen fit to provide a platform for the Pictures Generation does a grave disservice to the history of art in our time. That the aged Picasso, in all his messy and raucous and somewhat nutty splendor, has emerged as a hero in Chelsea this season is a reminder that the glorious, unruly energy of tradition cannot be denied. ◆

Jerry A. Coyne

CREATIONISM FOR LIBERALS

THE EVOLUTION OF GOD
By Robert Wright
(Little, Brown, 567 pp., $25.99)

I.

Over its history, science has delivered two crippling blows to humanity's self-image. The first was Galileo's announcement, in 1632, that our Earth was just another planet and not, as Scripture implied, the center of the universe. The second—and more severe—landed in 1859, when Charles Darwin published *On the Origin of Species*, demolishing, in 545 pages of closely reasoned prose, the comforting notion that we are unique among all species—the supreme object of God's creation, and the only creature whose earthly travails could be cashed in for a comfortable afterlife.

But there are some for whom the true evolutionary tale of human life is not sufficiently inspiring or flattering. After all, the tale seems to hold no moral other than this: like all species, we are the result of a purely natural and material process. While many religious people have been persuaded by Darwin's overwhelming evidence, there still remains a need to find greater meaning behind it all—to see our world as part of an unfolding and divinely scripted plan. As the theologian John Haught notes, "For the universe to transform our hearts as well as our minds it must allow itself to be read—in one way or another—as having a purpose. To say that the universe has a purpose means quite simply that it is in the process of realizing something that is undeniably good, and that this good is also in some sense imperishable."

And so the faithful—the ones who care about science at all—have tweaked the theory of evolution to bring it into line with their needs, to make it more congenial. Although life may indeed have evolved, they say, the process was really masterminded by God, whose ultimate goal was to evolve a species, our species, that is able to apprehend and therefore to admire its creator. This progressivist and purpose-driven view of evolution, rejected by most scientists, has been embraced by Haught and other theologians, by religious biologists such as Francis

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Collins, and, unsurprisingly, by the Catholic church itself.

Yet the notion of guided evolution leaves a problem. What good is a God-evolved species if it must inhabit a world as messy, contingent, and stricken with unpredictable horrors as the process of evolution itself? Is there any way that we can affirm, however dimly, that the world is getting better? And if so, might this, too, have something to do with God? The journalist Robert Wright has devoted much of his career to speculating about these questions, seeking divine purpose behind what he sees as social and biological "laws." His thesis, in *The Evolution of God*, is that theologies have changed over time to accommodate the increased interactions among cultures that come with a more complex world, and that this theological change has made the world a more moral place. This is a historical claim about morality's progress. But atop this claim Wright makes a really remarkable claim, a metaphysical one, that this whole process is driven by God, who is pulling society toward moral perfection. What's more, he says that this conclusion is not religious but scientific—that it is based on "facts on the ground" that should be obvious to any observer. In what he sees as the relentlessly progressive evolution of religion, Wright seems to find an argument for the existence of God.

What does the evolution of religion have to do with the evolution of life? In an earlier book, *The Moral Animal*, Wright described modern work on the evolutionary roots of human behavior, using Darwin's own behavior as a specimen. A lively introduction to evolutionary psychology, that book touched briefly and inconclusively on how human morality might have evolved from the social dynamics of small bands of hunter-gatherers. Wright expanded his Micawber-like reading of human existence in his next book, *Nonzero: The Logic of Human Destiny*, in which he used a concept from game theory to explain what he saw as a directional change in human history. According to this theory, a "zero-sum" game is one in which a victory requires a loss for the opponent. (All sports are zero-sum games.) A "non-zero-sum" game, by contrast, can lead to win-win, or lose-lose, situations. (Bargaining for a car is one example.) According to Wright, non-zero-sum dynamics promote the increasing complexity of human societies. As the human species spread over the world, its creativity led to inventions such as writing, printing presses, railways, and computers. These technologies allowed societies to share each other's advances, and so the world became more complex. And the grand climax of this historical process, in Wright's view of history, is the Internet. By knitting together all humanity into one e-network, it forms "a social, political, and even moral culmination of sorts." Wright even suggests that the Internet might possess some sort of consciousness.

The second part of *Nonzero* was an analysis of biological evolution, which Wright also saw as progressive. Life, he maintained, was inexorably driven toward complexity by the "non-zero-sum" interests of genes within a body, all of which must cooperate to produce future generations. And he proposed that the increasing complexity of both nature and human society reflects a divine plan:

> I'm not saying there is proof that biological evolution has a purpose and is the product of design. I'm just saying that it's not crazy to believe this. Biological evolution has a set of properties that is found in such purposive things as animals and robots and is not found in such evidently purposeless things as rocks and rivers. This isn't proof of teleology, but it's evidence of it.
>
> ....Like those biological developments, this cultural development [of increasing complexity] is closer to being evidence of divinity than its opposite would be.

Evidence, but not proof; plausibility, but not certainty: these soothing noncommittals permitted Wright's readers to accept a philosophical conclusion without doing any philosophical work. As an intellectual advance, *Nonzero* was trounced by critics. Historians went after Wright for his tendentious tone and his ad-hocism, in which he construed every conceivable observation, supportive or not, as evidence for his theory: Wright dismissed the lack of technological advance in ancient Chinese and Ottoman societies, for example, as a "caprice of history," insisting expediently that the unit of advance was not a single society but the entire geographical region of Eurasia. Critics from biology noted the lack of evidence for teleological forces driving the evolution of complexity: in parasites such as tapeworms, for example, natural selection has favored increasing simplicity.

Moreover, Wright's proposed mechanism for increasing biological complexity, "arms races" resulting from competition between species, was clearly at odds with his theory, because such races have a manifestly zero-sum character. Every evolutionary advance in cheetahs is a loss for gazelles. Indeed, natural selection actually *requires* zero-sumness, since it involves direct competition between genes and individuals, with the winners displacing the losers. And finally, as Wright has admitted, an increase in complexity is not the same thing as progress. But it is progress, not complexity, that gives him that sunny sense of direction, the assurance of a teleological purpose.

In *The Evolution of God*, Wright sets out to fix this last problem by throwing religion into *Nonzero*'s mix of evolution and technology. His thesis is that there is indeed a progressive direction in the evolution of society: an arrow of increasing morality. As societies interact and become more complex, their religions interact too. These interactions are either zero-sum (when people of different faith are in social conflict) or non-zero-sum (when different faiths feel they have something to gain by cooperating). And so, says Wright, cooperation breeds tolerance: "When a religious group senses an auspicious non-zero-sum relationship with another group, it is more likely to create tolerant scriptures, or to find tolerance in existing scriptures; and when it senses no prospect of a win-win outcome, it is more likely to summon intolerance and belligerence."

Over time, Wright sees non-zero-sum relationships predominating, and so theology becomes more tolerant. This is what he means by "the evolution of God": God does not evolve but doctrine does, and in a direction that makes God seem nicer. In other words, societies—at least those societies embracing the Abrahamic faiths of Judaism, Christianity, and Islam—keep getting better, more ethical. Although Wright does not document his claim—and it is not intuitively obvious— that humanity has indeed become more moral, it is hard to quarrel with his notion that religious doctrine responds to political and economic circumstances. But of course he has a much bigger idea in mind.

And so he ventures into stranger territory. It turns out that, although God himself does not evolve, Wright sees him as having engineered the advance of theology and morality as part of his plan

ANTHONY RUSSO

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for humanity. This required divine effort on several fronts. First, God directed the process of evolution so that it produced rational and moral creatures with the capacity to love: "Maybe natural selection is an algorithm that is in some sense *designed* to get life to a point where it can *do something*—fulfill its goal, its purpose." And then there was some social engineering: "God was so wise that he set up a world in which the rational pursuit of self-interest leads people to wisdom." Ergo the purpose behind human history:

> What might qualify as evidence of a larger purpose at work in the world? For one thing, a moral direction in history. If history naturally carries human consciousness toward moral enlightenment, however slowly and fitfully, that would be evidence that there's some point to it all.
>
> ....The possibility persists that this growing non-zero-sumness was itself set in motion by something else—conceivably an old-fashioned god, as traditionalists might hope, and conceivably something more abstract, more philosophically modern; but in any event, something deeper.

"The possibility persists": this type of hedging is characteristic of Wright's intellectual style. Possibility, for Wright, is certainty enough, since his aim is to imbue his religious readers with the notion that there is a cosmic hand on the tiller of life.

II.

With *Nonzero* and *The Evolution of God*, Wright has helped to pioneer a new genre: the intellectual feel-good book—chicken soup for the brain. In this season of the "new atheism," believers are looking for ways to remain faithful but still feel smart. Wright's elaborate argument can do the trick. One reviewer declared that *The Evolution of God* gave him hope by showing that the evolving doctrines of theology might point to "humankind's slow education into the real nature of the divine," and another exulted that Wright "gives relief and intellectual ballast to those believers weary of the punching-bag tone of the recent faith-and-reason debates."

But does Wright's argument hang together intellectually? He declares that his ideas are more than just philosophical musings—that they actually constitute a scientific hypothesis that can be tested with empirical evidence. "An appraisal of the state of things from a scientific standpoint," he asserts, "yields more evidence of divinity than you might expect." And so, as a scientist and an evolutionary biologist, I will take Wright at his word. Let us have a look at the data.

Has religion become more ethical over time? Has morality increased within societies dominated by the Abrahamic faiths? If so, did this increase come from faith rather than other sources, and did it involve non-zero-sum logic? And if all of these questions are answered in the affirmative, is this evidence for God? Unfortunately Wright's arguments fail to hold water from the outset. Under serious scrutiny, his grandiose project collapses. And even if his data were correct, they would not bring us any closer to the divine.

How good is his theology? Wright has done extensive homework, and recounts the history of the Abrahamic faiths in detail, beginning with the animism of early hunter-gatherers and moving through polytheism and monolatry (the worship of several gods with one dominating) to Christianity, Judaism, and Islam, ancient and modern. (What about other faiths? In his zeal to pull societies toward moral perfection, did the Lord of the Universe forget the Hindus, aboriginals, Sikhs, Buddhists, and Scientologists?) The problem is that Wright has a tendency, already demonstrated in *Nonzero*, to dwell on data that support his theory and to ignore those that do not support it. The clearest examples here involve the supposedly increasing amity between groups adhering to the evolving theologies of Christianity and Islam.

Wright claims that if you survey the four main Christian gospels in the order of their composition—from Mark to Matthew and Luke to John —you will see a directional change toward a more loving and inclusive theology. This change was driven, he says, by the desire of the apostles to extend the "mandate of love" to ever more people, taking it "beyond the bounds of Israel." Clearly, he speculates, a new religion surrounded by enemies would fare better by being inclusive rather than obstreperous. The apotheosis of this trend, says Wright, is found in Paul's epistles: "*more* than Jesus, apparently, Paul was responsible for injecting [Christianity] with the notion of interethnic brotherly love."

This is a dubious and tendentious interpretation. Though austere, the early Gospel of Mark, written between 65 and 70 C.E., is famous for its double commandment of love: "Love the Lord thy God with all thy heart" and "Thou shalt love thy neighbor as thyself. There is no other commandment greater than these." (Wright dismisses the "love thy neighbor" phrase as mandating only restricted love for other Israelites.) Matthew and Luke, written slightly later, in 80–85 C.E., include famous episodes of amity, notably the Sermon on the Mount and the parable of the Good Samaritan, which Wright sees as a major advance because "it explicitly carries love across ethnic bounds." While these stories are not found in the earlier Mark, they are missing also from the later Gospel of John, written between 90 and 110 C.E.

As we move from Mark to John, what is most obvious is a progression not toward amity, but toward "Christology": the view of Jesus as a divine being, a man at once mortal and godly, incarnated, resurrected, and a worker of miracles. If John's emphasis is on love, it is the love of Christ—*that* is the love that brings salvation. There is nothing humanist about it. Increased Christology was of course useful for the growing faith, since a doctrine that salvation is gained only through Jesus is a splendid way to win converts and keep the faithful in line. I suppose one could call this a non-zero-sum strategy, but it has nothing to do with Wright's theory of interfaith amity, or with his notion of the Gospels as the scriptures of multiculturalism.

Wright is much taken with the Epistles of Paul, whom he calls "the apostle of love," as the culmination of Christian morality; and Paul does indeed show more emphasis on the virtue of charity than do John and the others. But what stands out more strongly is Paul's obsession with "moral" matters such as circumcision, idolatry, uncleanliness, and fornication—that is, with purity and impurity, and all the behaviors he regards as "sinful." Biblical scholars tell us that Paul used this tactic not only to unify the diverse Christian communities around the Mediterranean, but also to purge them of their adherence to Jewish law and to Gnostic views that doubted Christ's divinity.

For someone who finds progress in complexity, Wright prefers to make his hay from a single verse from Paul's Epistle to the Galatians: "There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus." This, Wright says, marks a momentous change in Christian theology: an extension of love to non-Christian foreigners.

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But this sunny view of the progress of theology is not so clear when you consider the verse in context. For it is preceded by these verses: "For ye are all the children of God by faith in Christ Jesus. For as many of you have been baptized into Christ have put on Christ." And it is followed by this verse: "If ye *be* Christ's, then are ye Abraham's seed, and heirs according to the promise." So Paul is not promoting love among those of different faiths, but telling the non-Jewish Galatians ("Gentiles") that they can become spiritual descendants of Abraham only by converting to Christianity. This message, so common in Paul's Epistles, marks no theological or moral advance over the Gospel of Mark. There are no non-zero-sum dynamics here. There is only Paul's use of Jesus as a bar of admission to the holy community, as a sort of spiritual glue.

And is Paul really the epitome of Christian tolerance? Consider what else he says: non-believers, backbiters, and fornicators, among others, are "worthy of death" (Romans 1:31–32); women should be submissive to their husbands and should not speak in church (1 Corinthians 11:3, 14:34–36); and everyone's fate is predestined by God, so that it cannot be changed by one's earthly actions (Romans 7–11). The paragon of interethnic amity also advises Christians not to form fellowships with unbelievers (II Corinthians 6:14–17). And how on earth could Paul's Epistles be the culmination of a directional change in theology, when these letters were written *before* the Matthew, Mark, Luke, and John? The Epistles, it turns out, were composed between 50 and 56 C.E., several decades earlier than these Gospels. Obviously Paul could have had no knowledge of the theology that succeeded him, whatever its morality.

Besides this selective and convoluted interpretation, Wright includes an entire chapter of what-ifs, designed to prove that the arrow of theological morality is not deflected by the quirks of history. The Roman emperor Constantine, for example, converted to Christianity after winning a battle in 312 C.E., an event critical in assuring the spread of that faith. But what if he had lost the battle, or decided not to convert? Wright ponders the unsavory implications for his theory: "If Paul's doctrine of interethnic amity might have perished but for a single military victory, then how powerful could that engine really be? If the Logos is real, shouldn't moral enlightenment be driven by something ultimately stronger than the vagaries of history?"

Wright's version of theism is too clever to assert that God could simply have manipulated human history. Instead he feels compelled to argue that the spread of morality through faith—the unstoppable progress that is his plot—was impervious to particular events on the ground. And so he suggests that had Constantine not existed, the minor Christian sect of Marcionism—which rejected the Old Testament and all of the New Testament save Paul's epistles—would have taken over, for "the creation of the Roman Empire had made interethnic amity a more valuable commodity than it was before." And if Paul had not existed, or even Jesus himself? No problem—some other religion would surely have stepped in to do the job. "Even if Jesus had never been born, or had died in obscurity, some other vehicle for the meme of transethnic amity might well have surfaced."

This kind of special pleading does Wright's argument no good, except to render it impossible to refute. One can always argue backward and invent some reason why things must have happened the way they did. "Historical inevitability" is an ancient trick in the business of justification. These "inevitability" arguments resemble the claim made by religious scientists that even if evolution were to start all over again, God would still have ensured the appearance of a creature "made" in his image. The scientific response to all such speculations is, of course, just this: we don't know.

III.

Wright's Panglossism faces a bigger problem when confronting Islam. It is, briefly, that neither the Qur'an nor many of its authoritative interpretations are particularly pacific. Open the Qur'an at random and you will find passages riddled with hatred and fear: calls for the conversion of infidels, and exquisite descriptions of the tortures that unbelievers face in hell. Adherents to other faiths are repeatedly denigrated; Jews are several times called "apes" and "pigs." Whatever else it is, this is not a theology aspiring to amity.

Moreover, there is no evidence for an increase in morality in the Qur'an over the years of its composition between 610 and 632 C.E. On the contrary: as Islamic scholars recognize, the later chapters, written after Muhammad's famous flight from Mecca to Medina, display decidedly less tolerance than the earlier ones. And according to Islamic tradition, theological disparities between early and late verses—which occur many times in the Qur'an—are resolved by giving precedence to the later ones.

And yet, despite all odds, Wright manages to find "growing salvific inclusiveness" in Islamic doctrine. He first described his way out of the problem in *Nonzero*: "The growth of Islam more than a millennium ago not only created a network of Muslim traders who could trust one another; by preaching tolerance of Christians and Jews—'people of the Book'—Islamic scripture smoothed the path of commerce all the more." In *The Evolution of God*, Wright has this to say:

> The Koran says more than once that … Jews and Christians are eligible for salvation so long as they believe in God and in Judgment Day and live a life worthy of favorable judgment.
>
> ….But, regardless of whether these verses [those permitting salvation for people of other faiths] come from Muhammad's time or later, the best explanation for them is an expanded scope of non-zero-sumness. Whether by allying with non-Abrahamics or governing them, Islamic leadership seems to have acquired an incentive to stay on cooperative terms with them.

Hold on. Non-zero-sumness cannot be the proof, because it is itself what needs to be proved. This circular quality of Wright's reasoning stems from his knowing from the outset what he wants to demonstrate. Moreover, finding the "tolerance of Christians and Jews" in the Qur'an requires a needle-in-the-haystack approach—and there are not many needles. Instead, one finds admonitions such as these:

> O you who believe! Do not take the Jews and the Christians for friends; they are friends of each other; and whoever amongst you takes them for a friend, then surely he is one of them; surely Allah does not guide the unjust people.
>
> Say: Shall I inform you of (him who is) worse than this in retribution from Allah? (Worse is he) whom Allah has cursed and brought His wrath upon, and of whom He made apes and swine, and he who served the Shaitan; these are worse in place and more erring from the straight path.

Christians do not experience much "interethnic amity" in the Qur'an, either: "They surely disbelieve who say: Lo! Allah is the Messiah, son of Mary.… Lo! whoso

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ascribeth partners unto Allah, for him Allah hath forbidden Paradise. His abode is the Fire. For evil-doers there will be no helpers."

It is nice of Wright to remark that Jews and Christians will gain salvation so long as they believe in God, but he fails to mention that this saving God is the Islamic god, Allah. The Qur'an is quite explicit that salvation is gained only through adherence to Islam:

> Those who are Jews, and Christians, and Sabaeans—whoever believeth in Allah and the Last Day and doeth right—surely their reward is with their Lord, and there shall no fear come upon them neither shall they grieve.

Perhaps the biggest obstacle to finding a beautiful inclusiveness in Islam is its doctrine of jihad, or holy war—the call for religious conquest and conversion. This was a call for historical action, even if it was also sometimes interpreted allegorically as a purification of the individual soul. Historically, on the Arabian peninsula and elsewhere, Christians and Jews suffered a grievous fate under Islamic rule. When they were not killed outright, they were treated as second-class citizens, taxed heavily and deprived of rights. Wright's breezy distinction between "allying with" the other and "governing" the other was usually not experienced by the other as ethical or progressive.

Here is how Wright dismisses the melancholy history of Jews under Islamic rule: "Over the centuries, Islamic tolerance of Christians and Jews (rather like Christian tolerance of Muslims and Jews) would fluctuate." Fluctuate, indeed—between murder on the one hand and mere debasement on the other. To support his thesis, Wright downplays the belligerent side of Islam. He says that "there is no 'doctrine' of jihad in the Koran," ascribing that doctrine to the *hadith*—the posthumously collected sayings of Muhammad that Muslims consider nearly as sacred as the Qur'an. He also makes the genuinely disturbing observation that "Muhammad's exhortations to kill infidels en masse were short-term motivational devices."

The problem is that scholars of Islam do indeed locate jihad in the Qur'an, in verses such as these (there are at least fifteen others):

> Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the Religion of Truth, until they pay the tribute readily, being brought low.
>
> Let those fight in the way of Allah who sell the life of this world for the other. Whoso fighteth in the way of Allah, be he slain or be he victorious, on him We shall bestow a vast reward.

And why exclude the *hadith*, assembled after the Qur'an, as part of evolving Islamic theology? Isn't evolution usually progressive? The reason, as Wright well knows, is that they are inconveniently filled with exhortations such as this:

> The Prophet said, "Nobody who dies and finds good from Allah (in the Hereafter) would wish to come back to this world even if he were given the whole world and whatever is in it, except the martyr who, on seeing the superiority of martyrdom, would like to come back to the world and get killed again (in Allah's Cause)."

Modern Islam, many of whose adherents clearly accept jihad, is an even bigger problem for Wright's theory. He recognizes that "the 'Muslim world' and the 'West' are playing a non-zero-sum game; their fortunes are positively correlated." He is right: they have the oil, we have the technology. So why is Islam still in conflict with other faiths? Doesn't the emergence in late modernity of exceedingly exclusive and violent currents in Islam count against Wright's idyll of progress?

Again he resorts to special pleading. First, he argues that biological evolution has not caught up with social evolution: "Our mental equipment for dealing with game-theoretical dynamics was designed for a hunter-gatherer environment, not for the modern world." His second excuse is that "technology is warping our perception of the other player in this non-zero-sum game." In other words, our Orientalist media are blinding us by showing us only radical Muslims who hate the West. We mistakenly think this is true of all Muslims, and "our moral imagination contracts accordingly." The same goes, Wright adds, for the Muslims who have a selective view of Western societies. According to Wright, then, it's not that the advantage of cooperating is not there, it's that we do not see that it is there.

His solution is more chicken soup: we should try to "figure out what things make lots of Muslims view relations with the west as zero-sum, decide which of those things can be changed at acceptable cost, and thus make those relations more conspicuously non-zero sum." This is very edifying, but it misses an important point: for many Muslims, economic welfare is not the main issue. If it were, we long ago would have resolved the conflicts with Iran and in Palestine, and Islamic societies would have allowed women full participation in economic and political life—a strategy that is clearly non-zero-sum. We know from experience that as women advance, they lift up society with them.

It would appear that Islamic theology has not evolved for material gain. The real problem is not that the Muslim world has failed to perceive the West accurately, or that the West has failed to perceive the Muslim world accurately, though all these failures abound. It is that classical Muslim theology is implacably opposed to the religious pluralism and social secularism of the West. Indeed, Islamic theology explicitly requires its adherents to conquer, convert, or kill infidels. And that is non-zero-sum hell.

This theological polarization is not confined to a small group of Islamic radicals, either. You might expect that young Muslims in the West would present the most liberal face of Islam. But a survey in Britain last year found that almost one-third of Muslim students feel that it can be acceptable to kill in the name of religion. Forty percent want *sharia*, or Islamic law, introduced into the United Kingdom, and one-third favor the creation of a world Islamic government based on that law. Blinkered by his view that theology is a tool for promoting the material welfare of believers, Wright fails to grasp that many Muslims actually believe what the Qur'an says.

IV.

Despite his insistence that changes in theology have promoted morality and amity, Wright shows surprisingly little curiosity about whether societies really have become more moral and more amicable. It is clear that what he means by "morality" is more than just theological doctrine, for he sees social change as an increased "belief in moral truth and closer adherence to it"—that is, changes in how people feel and act. But are we really more moral than our polytheistic forebears? This is not a new question, or a simple one. It is tempting, from our vantage point in a liberal democratic society, to answer smugly in the affirmative. But we are not the world. And even in our own enlightened societies, many

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critics, most of them conservatives but some of them liberals, and certainly many religious people, would argue just the opposite, citing the breakdown of family values and increases in divorce, homosexuality, abortion, pornography, and drug use. And is it really necessary to remind ourselves yet again that the worst slaughters in human history happened very late in human evolution, that is, in the twentieth century?

To address the question of moral progress, it helps to divide morality into "ethics," which the philosopher A. C. Grayling calls "thinking and theorizing about what is good and bad, and how people should live," and "moral presupposition," or "what, either consciously or unconsciously, governs what people do, or aspire to do, in the conduct of life." Ethics involves values and principles codified in law, religion, or philosophy, while morality is the way people actually behave. These are obviously connected: people take their guidance from moral codes, and those codes change in response to people's feelings. Still, it is possible for ethics to improve while individual behavior changes little. India outlaws discrimination by caste, for example, but in much of the country this has little or no impact on how people treat each other. Even the most cursory survey of human history suggests that while ethics has improved somewhat, morality may have barely budged.

Ethical improvements are most obvious to us when they involve Western society. The clearest advance has probably been the increasing legal protection of women and ethnic minorities based on their recognition as moral equals. Moreover, democracy has replaced dictatorship in most of the West, and many of the harsher punishments are gone—we no longer throw people to the lions, and when we torture, we do so secretly. Education and health care are widely accepted as rights, and even the idea of animal rights has surfaced. (We biologists must now meet stringent government requirements for keeping and experimenting on vertebrates.) So it is undeniable that ethics have improved in some places at some times. But the change is neither ubiquitous nor unidirectional, even over the long term.

One can in fact make a good case that, contrary to Wright's claim, ethics went downhill as religion evolved—specifically, that it declined in the transition from polytheism to monotheism. Hume insisted upon this, expounding admiringly on "the tolerating spirit of idolaters." He maintained that a plurality of gods led to social and intellectual pluralism, whereas the belief in a single god led to exclusiveness and intolerance. "The intolerance of almost all religions, which have maintained the unity of God, is as remarkable as the contrary principle of polytheism," he wrote in *The Natural History of Religion*. And he added pungently that "if, among Christians, the English and Dutch have embraced the principles of toleration, this singularity has proceeded from the steady resolution of the civil magistrate, in opposition to the continued efforts of priests and bigots." This is sound intellectual and religious history, belying Wright's view of theology's linear march toward goodness and light.

There have been two periods in Western history when large groups of people made serious and concerted attempts to improve ethics—and *contra* Wright, those changes involved not religion, but secular reason. The first period began in Athens in the fifth century B.C.E. and continued to first-century Rome. This was the time of Socrates and Aristotle, Cicero and Marcus Aurelius, the Stoics and the Epicureans, when philosophers and citizens hashed out and codified their moral responsibility toward each other and society. The medieval era of religion certainly included sophisticated discussions of moral philosophy, but it was not until fifteen hundred years later, when the grip of the church was broken, that the second period began, as the thinkers of the Enlightenment introduced the strong idea of human liberty, and chose to ground authority on ratio-

In Another Sector

a dream

I lay my head against the blast wall of the barracks
and the mattress rises up against me.
You get high off it, right? You're an intensity junkie?
I'm the squat pyramid of sandbags and that little green tank

domestic as the messkit left on the turret.
And the sand tinged orange by halogen spots
and tiger-striped by shadows of razor wire
whispers that I'm trash smouldering in bomb craters.

All the serious horseshit about justice and rape,
and Death to the Great Satan, screw you if you don't get off
on that young good-looking soldier's banana clip.

And the sentries in the sentry box, palm fronds stuck
in their helmets' webbing, turning them to tree-men in their
leaf pattern camouflage,
make it all so picturesque.

Women start drifting in in tight shirts
and tiger pants as the disco ball circles and sparkles . . .
and the city behind and the checkpoints
ahead light up and go dark in time to bodies

strobing until I'm as far out beyond my barbed-wire sector
as the Humvee will take me. And when I wake,
I see nature sleeping, or what looks like nature:
a nest anyway, out of twigs and plastic

and green and red wire so intricately interwoven
shaped perfectly to the bird's body nestling
down in the dark on the eggs unmoving—

and past the tree and rounding the corner
candles for the latest leader
line the street and no sign of anyone who'd lit them.

TOM SLEIGH

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nality rather than dogma. It is not at all clear that the intervening period, with its feudalism, sacred despotism, and religious persecution, was in any way an improvement over the earlier societies of classical Greece and Athens. As for tolerance in our own progressive time: there is the Holocaust, Stalin's purges and slaughters, Mao's bloody reign of terror, the massacres in Darfur, Rwanda, and Cambodia, and the ethnic and religious savagery in Northern Ireland and Bosnia and Sri Lanka to remind us that spectacular intolerance is still with us. I do not see how a progressivist view of human moral development can survive all this terrible knowledge.

As for individual morality: is the average inhabitant of New York, Tehran, or Tel Aviv less likely to steal, cheat, or be unpleasant to his fellows than were his counterparts in ancient Greece or medieval France? Has human nature changed so much in just a few centuries? Well, we in the West may appear to be more law-abiding, but that may merely reflect the greater ability of modern societies to detect and to punish crime. Wright preaches that faith has lifted individuals to higher and higher levels of tolerance and morality, as if this good news were so obvious that we need not even consider the evidence.

Wright seems to think—and his argument requires him to think—that religion is an important source, perhaps the most important source, of morality. This is one of the most widely held views in religious America. Without the moral bedrock of God, so the argument goes, what reason do we have to be good? Conservative commentators hammer this point relentlessly. Ann Coulter asserts that those who accept Darwinian evolution feel that it "lets them off the hook morally. Do whatever you feel like doing—screw your secretary, kill Grandma, abort your defective child—Darwin says it will benefit humanity!" Two months ago an American atheist organization was loudly criticized for putting posters on Chicago buses with the slogan "You can be good without God," despite the obvious truth of this message. Surely some atheists are decent people!

Wright sees faith as a moral lever: "Certainly there has been a kind of net moral progress in human history.... And certainly religion has played a role in this progress." But how much of a role? And if not a decisive role, then what is left of Wright's belief in the beneficent power of religion? And what role did religion play in the history of human *im*morality? A little reflection shows that the career of religion in the history of morality is mixed, or worse. There are certainly fine ethical teachings in all the faiths. But since the fourth century B.C.E., philosophers have shown convincingly that our considerations of what is moral or immoral cannot be derived from religion. In Plato's *Euthyphro*, Socrates argues that the statement "God is good" has meaning only if we have a standard of good that is independent of God. If it were otherwise, anything that God sanctioned would be good by definition. This would include, in the case of Abraham, the readiness to murder, and in the case of Jephthah the actual murder of, one's children. The distinction between religion and morality was recognized by rational theologians in all the monotheistic faiths, even if their views did not always carry the day. Aquinas wrote that "right is not right because God wills it, but God wills it because it is right." If this is true, then we need to look elsewhere to determine what is right—and religion may be viewed not as the origin of morality, but a vehicle for conveying moral values or feelings that arise elsewhere.

Certainly the moral standards of the West in our time cannot have derived from Scripture, for neither Jews nor Christians sanction slavery, pillage, mass murder, or the death penalty for adultery, homosexuality, and working on the Sabbath—cruelties that are justified in the Old Testament as having God's approval. Instead, contemporary Christian believers cherry-pick their morals from the Bible, discarding much of the Old Testament but keeping the Sermon on the Mount. The faithful accept only those religious "ethics" in tune with a prior morality. This is certainly moral progress, but it does not support a view of religion as the warrant for morality.

If religion promotes morality, moreover, we can confidently predict that atheists will be less moral than believers. But the prediction fails. Consider a statistic: atheists constitute roughly 10 percent of the American population, but only 0.2 percent of our prison population. Now there are confounding factors, such as socio-economic status, at work here, but these data are clearly in the wrong direction. And consider that atheistic Europe, rather than being a hotbed of barbarism and immorality, is at least as moral as America. In his book *Society Without God*, the sociologist Phillip Zuckerman shows that Sweden and Denmark, two of the most atheistic countries in the world, are also two of the most moral, at least in terms of their lack of crime, high levels of government aid for the disadvantaged, and large amounts of per capita aid to other countries. There is certainly no evidence that many atheists have a qualitatively different type of morality than many believers. A survey by the biologist Marc Hauser and the philosopher Peter Singer showed that believers of many faiths did not differ from one another, or from atheists, in how they resolved hypothetical moral dilemmas.

Finally, consider what most of us agree are real improvements in ethics over the last several centuries: the idea of democracy; the elimination of more horrible punishments; the adoption of equal rights for racial and ethnic minorities, homosexuals, and women; the disappearance of slavery; the improved treatment of animals; and the increasing view that adult sexuality is a private matter. In each case, the impetus for change came overwhelmingly from secular views. Religion either played no role, or it played a small role, or it opposed the moral innovations, or it came aboard only when change was underway. (It is true that the American civil rights movement was supported by many churches, but we should also recall that in earlier times the faithful cited the Bible as support for slavery.) If a part of the world has improved morally, this change may have occurred not because of religion, but in spite of it.

V.

If Wright is wrong about the source of moral progress, where did it come from? This is a hard question with no shortage of answers, but some are more believable than Wright's. Peter Singer has proposed, for example, that a rudimentary form of altruistic morality evolved—as it could only have evolved—in small ancestral groups of hunter-gatherers. (Since altruism involves self-sacrifice, genes for the behavior can be favored only if they arise in groups of people who interact with their relatives—and hence carry similar genes—or in groups of people who repeatedly encounter the same nonrelatives, and hence have the chance for their sacrifices to be repaid.) As human populations grew and interacted, people began to realize that it was unacceptable to claim that anyone was morally entitled to better treatment than anyone else. And so, inspired by reason, a form of the golden rule developed and spread throughout the world. The Finnish philosopher Edvard Westermarck floated a similar idea, but claimed that

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the growth of morality was due not to reason but to a natural expansion of altruism that originated in small communities. (Neither of these theories demands that altruism be a genetically evolved phenomenon.)

Singer's and Westermarck's ideas may be wrong, but at least they require only a few reasonable assumptions: population growth, altruism, rationality. In floating the idea not only of a deity, but of one who uses arcane ways to perfect his creatures, Wright's theory is far less parsimonious, riddled as it is with unproven and occult assumptions. The deity enters into Wright's elaborate confection in several ways. Wright suggests that the moral sentiments themselves may have come from an evolutionary process guided by God. He also suggests that God may have created that whole process from scratch:

> It is this moral order that, to the believer, is grounds for suspecting that the system of evolution by natural selection itself demands a special creative explanation.... And if the believer, having concluded that the moral order suggests the existence of some as-yet-unknown source of creativity that set natural selection in motion, decides to call that source "God," well, that's the believer's business. After all, physicists got to choose the word "electron."

In statements such as this, Wright, for all his reverence for Darwin, does nothing less than reject the modern scientific view of evolution, according to which it is a purely naturalistic process without a specified direction. How else can you explain the fact that more than 99 percent of all species that ever lived became extinct without leaving descendants, or that species can become either simpler or more complex when it is adaptive for them to change? Whatever view of progress one maintains, there are some evolutionary lineages that grossly violate it.

Wright rejects, or rather ignores, the copious evidence that natural selection is simply the inevitable result of random mutations that cause some individuals to be better adapted than others. Instead he propounds a genial form of intelligent design. This is creationism for liberals. While biblical literalists discern the hand of God in features such as eyes or wings, Wright finds it in the process of evolution itself—and in human history. Darwin strongly disavowed such attempts to envision God directing evolution. As he wrote to the geologist Charles Lyell,

> I entirely reject, as in my judgment quite unnecessary, any subsequent addition "of new powers and attributes and forces," or of any "principle of improvement" except in so far as every character which is naturally selected or preserved is in some way an advantage or improvement, otherwise it would not have been selected. If I were convinced that I required such additions to the theory of natural selection, I would reject it as rubbish.... I would give absolutely nothing for the theory of Natural Selection, if it requires miraculous additions at any one stage of descent.

One of Wright's most surprising claims is that science does not differ significantly from religion:

> Yet what exactly is the difference between [physicists'] belief in electrons and the logic of belief in God? They perceive patterns in the physical world—such as the behavior of electricity—and posit a source of these patterns and call that source the "electron." A believer in God perceives patterns in the moral world (or, at least, moral patterns in the physical world) and posits a source of these patterns and calls that source "God."

This is bizarre—another version of the mischievous postmodern view of science as merely an expression of desire or need. Does Wright really not grasp that science, unlike religion, posits testable explanations for the world, explanations that are discarded if they fail to comport with the facts? Is he unaware that, unlike religious explanations, scientific explanations are validated by public agreement among people from every faith and culture? On one hand we have Islam, Christianity, Judaism, Hinduism, and the whole panoply of faiths with their irresolvably conflicting claims, and on the other hand we have science, and only one brand of science. Independent scientific observers can decide whether electrons are real, but there is no way to decide whether Jesus was the Son of God or Muhammad was the Prophet.

By this point Wright has left all intellectual seriousness behind. In his book's peroration, he rhapsodizes that everything points to the divine: God designed natural selection, which inevitably produced love and altruism in humans, and then God tweaked human societies so that their technologies interacted in a non-zero-sum-way, leading in turn to the continual refinement of theology in favor of greater brotherly love. And that increase in love, says Wright, constitutes nothing less than a kind of evidence for the existence of God:

> The god I've been describing is a god in quotation marks, a god that exists in people's heads.... To the extent that "god" grows, that is evidence—maybe not massive evidence but some evidence—of higher purpose. Which raises this question: If "God" indeed grows, and grows with stubborn persistence, does this mean that we can start thinking about taking the quotation marks off? That is: If the human conception of god features moral growth, and if this reflects corresponding moral growth on the part of humanity itself, and if humanity's moral growth flows from basic dynamics underlying history, and if we conclude that this growth is therefore evidence of "higher purpose," does this amount to evidence of an actual god?
>
> ....Maybe the growth of "God" signifies the existence of God. That is: if history naturally pushes people toward moral improvement, toward moral truth, and their God, as they conceive their God, grows accordingly, becoming morally richer, than maybe this growth is evidence of some higher purpose, and maybe—conceivably—the source of that purpose is worthy of the name divinity.

Maybe, maybe, maybe. It is remarkable that a book called *The Evolution of God* can be so pusillanimous, so dodgy, about the question of whether or not there is a God. Surely the question of God's existence is the fulcrum upon which any discussion of God must rest. If the entity in his book's title does not exist, then his book is much, much less than it purports to be. But Wright is content with waffling, and with guarded speculation. When he finally comes to the big question—is there in fact a God who is pulling humanity toward morality?—he suddenly becomes humble and retiring. The existence of God, he plaintively concludes, is "a question that I'm unqualified to answer." What? With all this possible and purported evidence of divinity tugging at his sleeve, he still will not decide? Why doesn't Wright accept the thrust of his own arguments? Is he peddling a reassurance to others that does not work for himself? The whole enterprise begins to look a bit cynical.

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Except for his claim that theology is malleable to social forces, which is hardly novel but never mind, there is nothing in Wright's argument that withstands close inspection—nothing in his understanding of theology, of morality and its history, of evolution, of science. There is absolutely no evidence, beyond wishful thinking, that God, if there is a God, had anything to do with setting up biological evolution or directing its operation, much less driving history toward goodness. If Wright's hypothesis were indeed a scientific one, we could say that it has been falsified: scientists, unless they want to be ridiculed, cannot afford to disregard a mountain of counter-evidence. And insofar as Wright's book is an affair not of science but of edification, it is no less a failure. This long and eccentric sermon will not prepare anybody for the harshness of history, past or present. It is as wanting in a sense of tragedy as in a sense of evidence. ◆

Eric A. Posner and Adrian Vermeule
OUTCOMES, OUTCOMES

THE CONSTITUTION IN 2020
Edited by Jack M. Balkin and Reva B. Siegel
(Oxford University Press, 355 pp., $19.95)

THERE IS A GENRE, the "constitutional manifesto," that sits uneasily between the scholarly or theoretical analysis of constitutional law and the buzzwords of day-to-day constitutional politics. The latter category may be nicely illustrated by the competing slogans of interest groups contesting the Sotomayor nomination: "judicial activism," "empathy," and so on. The constitutional manifesto, by contrast, attempts to expound a philosophical vision of constitutional law and politics that is nonetheless accessible to a broad audience, and is also politically savvy, so that it may guide a political and legal movement in particular directions over time. The constitutional manifesto therefore declines to take short-term political constraints as a given, and instead attempts to lay out a program of action that can shift the location of those constraints in the future. It is both intellectual and political, and its integrity is determined by the relationship between those terms. *The Constitution in 2020* is the latest example of a constitutional manifesto: a collection of essays by self-identified "progressive" scholars of law and politics.

To understand its genesis, one must begin the story further back, with the progressive movement's antithetical twin: the conservative legal movement that began in the 1970s. Reacting in part to the perceived "activism" of the Warren and Burger Courts, conservative lawyers, many associated with the Reagan administration, founded or captured a range of institutions and used them to develop a cadre of conservative legal elites. The pipeline for young conservative legal talent begins with membership in law-school chapters of the Federalist Society, followed by a judicial clerkship, a job in the Reagan/Bush/Bush administrations or in a prestigious conservative law firm, a quasi-academic post in a conservative Beltway think tank, or all of the above. But the institutional side of the conservative legal movement was not the main source of its energy. The movement drew its strength from its theoretical and ideological wing. Conservative academics and judges, including Raoul Berger, Robert Bork, Frank Easterbrook, and Antonin Scalia, developed a suite of legal theories and commitments centering on "originalism," or the idea that the original public meaning of the Constitution in the founding era should control its interpretation today.

Originalism stitched together diverse elements of the conservative legal coalition, who could each see something congenial in the "original" Constitution and in originalism's purported corollary, the promise of a "restrained" judiciary obedient to the rule of law. Economic libertarians, who pined for the old laissez-faire Constitution that was largely dismantled by the New Deal, could hope for a restoration of the *Lochner* Court's protection of property rights. (*Lochner* was a 1905 case that struck down a maximum-hours law, and therefore symbolizes judicial review to promote economic liberty.) Law-and-order conservatives could believe that originalism promised to undo the work of the Warren and Burger Courts in creating procedural rights for accused criminals. Traditionalist pro-business conservatives could hope that originalism meant stability, and respect for settled precedent, and an end to the unsettling creativity and redistributive tendencies of liberal judges. Social conservatives could anticipate the overturning of *Roe* v. *Wade*. Statist conservatives could hope to restore what they saw as an original commitment to strong presidential power and a "unitary executive." And old-fashioned populists could see in originalism a fetish that would ward off cosmopolitan judicial elites who make policy and displace the people's hard-won democratic prerogatives.

Originalism was easy to sell, because of its simplicity and its resonance with the larger American culture of Founder worship. Originalism enjoys enduring appeal among the middlebrow public, the sort of people who buy biographies (or hagiographies) of the Founders in astonishing numbers. But there were latent tensions and fault lines within the conservative legal coalition. A major theoretical and political fissure developed over the role of precedent, or *stare decisis*—the legal principle that past decisions should be respected. Business-oriented and traditionalist conservatives wanted stability, not counter-revolution, and at the theoretical level it proved hard to reconcile originalism with the raw fact that large chunks of the original constitutional order are, from the standpoint of the present, normatively horrifying, economically obsolete, or politically unacceptable to supermajorities of the current citizenry. Moreover, in the usual way of ideological movements, new developments threatened to splinter the conservative legal coalition. After 2001, for example, statist conservatives concerned about national security supported the Bush administration's expansive counter-terror policies with legal arguments, while a small but vocal group of libertarian conservatives opposed them, and made alliances of convenience with civil libertarians of the left.

Originalism also suffered withering, and quite justified, criticism from the legal academy. Originalism was shown to be theoretically problematic on several scores: it is unclear why exactly the original public meaning should control all subsequent constitutional interpretation, and it is unclear that the founding generation expected that it would do so, or that it meant the Constitution to so instruct. The latter point creates a kind of

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paradox at the heart of originalism. From the standpoint of political theory, originalism created the problem of the "dead hand," which is that past generations effectively rule over current majorities of the living. The Founders tried to anticipate this problem by permitting constitutional amendment, but their amendment procedure imposed excessive hurdles and stifled reform except in the most extreme cases. Also, left-leaning academic critics of originalism pointed out a long series of politically opportunistic decisions by conservative-originalist judges, who sometimes avoided the politically unpalatable implications of their own theory or squared desirable results with the theory only by means of implausible epicycles. A leading example was the conservative judges' opposition to campaign finance regulation on free-speech grounds: taken seriously, the original meaning of the free-speech clause of the First Amendment would be much narrower, and would easily permit such regulation to go forward.

Despite these ongoing problems, the conservative legal movement has been a spectacular success overall, judging by its own aims. It has managed to institutionalize itself in major law schools, despite the overwhelmingly leftward tilt of law school faculties. And it has become a leading mode of justification among the justices of the Supreme Court, both right and left. In the recent case of *District of Columbia* v. *Heller*, which identified an individual right to keep and bear arms under the Second Amendment, justices on all sides argued in originalist terms.

Distressed by the success of the conservative legal movement, liberal and progressive legal scholars, at odds on many other matters, have sought to create institutions that would mimic, and counter, the conservative success—most prominently the American Constitution Society, founded as an explicit counterweight to the Federalist Society. Until recently, however, there has been less attention to the conceptual or ideological side of the movement. If the conservative legal movement started with an outraged and deeply political reaction to the Warren and Burger Courts, the upheaval of the 1960s, and the Carter administration, it is nonetheless true that the conservative movement's theoretical ideas largely preceded their institutionalization. In the progressive legal movement, the pattern has been that the institutions come first and the ideas are secondary.

The Constitution in 2020 attempts to fill this gap. Its editors, Jack Balkin and Reva Siegel, start off with a call to arms. Conservatives have "stock[ed] the bench with movement jurists who will adopt positions favored by conservatives on key questions of constitutional law." Conservative jurisprudence, with its commitment to originalism, "simply disguises the values of a contemporary political movement as the framers' intentions." Conservatives show "blind deference to the past" and a "dogmatic obedience to the Founders' expectations" that "would infantilize the living." They proclaim that "in cases where decisions deviate from the substantive results that conservatives prefer, conservatives denounce judges as arrogant villains. In cases that announce decisions conservatives favor, conservatives depict judges as impersonal arbiters of a law of the distant past in which they exercise no judgment and no responsibility." The tension here—a jurisprudence that compels judges to give blind deference to the past could hardly allow them to implement a modern-day political agenda that bears only a passing relationship to eighteenth-century constitutional understandings—merely underscores originalism's success in sowing confusion among the left.

Having identified the monster, and expressed grudging respect for its political successes, Balkin and Siegel acknowledge that mere criticism cannot penetrate its hide. Progressives need their own movement jurisprudence. The editors, in the introduction and in their separate contributions, suggest several labels—"fidelity to the constitution," "democratic constitutionalism," "redemptive constitutionalism"—but the relationship among these is unclear, and the editors lay out only the vaguest themes. They say that redemptive constitutionalism reflects the notion that "we must work to restore past understandings and sometimes we must try to redeem constitutional guarantees that have not been met"—a vaporous formulation in tension with itself. The editors reject a return to the "glory days of the Warren Court," and they vaguely praise "dialogue" between courts and "political mobilizations." They insist only on the premise "that our understanding of our constitutional commitments evolves in history, that the nation has yet fully to meet many of these commitments, and that the aspiration to do so helps make this nation great." The contributors to the volume will flesh out the idea of the evolving Constitution.

The book's twenty-two contributors divide into two groups. The minimalists, led by Cass R. Sunstein, endorse an approach that conservatives used to call judicial restraint. Minimalists reject "broad, ambitious judicial rulings." Courts should advance doctrine through small steps. They should avoid striking down statutes as much as possible. They should respect precedent. They should avoid Warren Court–style judicial heroics—but, since Warren Court opinions have precedential value, they should not overturn them. Courts can avoid taking controversial positions on great constitutional questions by focusing on the facts of the case, waiting until the issue is squarely presented, deferring to legislative judgments, and even refraining from giving a ruling. Minimalists criticize *District of Columbia* v. *Heller*, the case that established Second Amendment gun rights, but they also criticize *Roe v. Wade*. Sunstein candidly admits that he is not sure whether minimalism is progressive or conservative. He argues that it is an appealing judicial philosophy that avoids excessive judicial interference with democratic politics.

Many other contributions have a minimalist flavor, though not all of the contributors in this group identify themselves as minimalists and none repeats Sunstein's criticism of *Roe* v. *Wade*. Robin West argues that progressives should attempt to persuade legislatures, not courts, to implement the progressive agenda. Larry Kramer says that progressives should develop local institutions for promoting their values. Bruce Ackerman repeats his proposals for a new campaign finance system, a national holiday that encourages national deliberation about policy, and a massive redistribution of wealth to guarantee all citizens an $80,000 "stake" in society.

These and other contributors are skeptical that courts can advance progressive values, so they emphasize practical politics or legislative cures. In Ackerman's words, "our right-wing judiciary will be in no rush to vindicate the privileges of citizenship against the economic forces threatening their effective exercise. In the run-up to 2020, the greatest legal contribution lies outside the courts." If courts do not endorse the progressive agenda, then inventing theories of constitutional adjudication that would advance progressive goals is an idle exercise. Mark Tushnet,

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one of the contributors here, has elsewhere made an institutional case for "taking the constitution away from the courts," pointing out that judicial review of statutes for constitutionality has produced morally objectionable outcomes as well as morally salutary ones.

In minimalism, then, we see the same tension as in originalism. For some, such as Sunstein and Tushnet, minimalism is a genuine institutional commitment, driven by a particular conception of the role of the judiciary in a democratic society or the long-run consequences of the institution of judicial review. Such minimalism has no political valence. For others, minimalism is a short-term tactic, to be dropped as soon as the Supreme Court returns to Democratic control. Sunstein reaches across the divide, asking conservatives to adopt a position based on a shared commitment to democratic politics and skepticism about judicial activism—but this position is constantly undermined by the other contributors to the volume, who imply that they are minimalists only as long as their party lacks judicial power.

The second group of contributors reject minimalism, but mostly agree that the Warren Court went too far in some undefined way. Although they concede, in a gesture to minimalism, that some kind of unspecified "dialogue" between courts and other actors is desirable, they are committed to a substantive constitutional vision that would compel courts to uphold progressive laws or strike down laws that are not progressive. But rather than giving us a theory, they give us a riot of labels—redemptive constitutionalism, legislative constitutionalism, popular constitutionalism, democratic constitutionalism, constitutional fidelity, the method of text and principle, equal liberty, progressive constitutionalism—and vague restatements of the idea that the Constitution evolves, yet somehow differs from public attitudes and legislative bargains, and thus remains somehow connected to the past.

This approach is most clearly reflected in Robert Post and Reva Siegel's chapter. They argue that we need a substantive "constitutional vision" rather than a mere theory of interpretation. Progressives need a vision—that is, a package of constitutional rights and rules—that will inspire Americans. This vision needs to be articulated in legal terms because of the power of law in our society. And theories of constitutional interpretation should be selected with this political program in mind. Rather than arguing, like Sunstein, that one should start with a general theory of constitutional interpretation which appeals also to values shared by conservatives, Post and Siegel work backward, arguing that progressives should "select from among the traditional modalities of interpretation those which are the best suited to give authoritative legal expression to their constitutional understandings," which—again—are resolutely "substantive." Post and Siegel unembarassedly suggest that progressives pick a theory of constitutional interpretation that advances their legal and political preferences, which are not clearly distinguished.

Other authors content themselves with piecemeal claims. Pamela Karlan wants the Court to expand the right to vote so as to give courts a greater warrant to restrict gerrymandering and other shenanigans. Robert Post advocates a modification of First Amendment speech doctrine so that courts can approve campaign finance regulation and strike down copyright laws that "diminish the capacity of persons to participate in the public sphere." William Marshall advocates a reinterpretation of the religion clauses that advances (largely unarticulated) progressive views about religious liberty. The right-wing judiciary is presumed to go along.

In the most theoretically ambitious contribution, Jack Balkin argues for what he calls the "method of text and principle." The main feature of this approach, which echoes the legal philosophy of Ronald Dworkin, is its emphasis on general "principles" in the Constitution (equal protection, freedom of speech) as opposed to specific rules and standards. A principle such as equal protection can have different meanings in the eighteenth century—when slaves and women clearly lay outside its scope—and the twenty-first century. Balkin tries to hoist the originalists on their own petard by claiming that the original principles of the Constitution imply different things at different times. When the Founders condemn "cruel and unusual punishment," they must be understood to condemn not only what they understood to be cruel in their own time, but whatever future generations might consider cruel.

This argument does not so much provide an alternative to Warren Court constitutionalism as offer a special kind of argument for it, one that boosts originalism to a higher level of generality in order to yield progressive results. So Balkin must make a gesture to democratic constitutionalism, and he does so by de-emphasizing courts. He argues that citizens, not judges, must be the source for most constitutional innovation. He also disparages the ability of judges to innovate. They are appointed by presidents, they face various institutional constraints—and so they will never veer far from public opinion. This, of course, undercuts the claim that Balkin's "method of text and principle" could make any difference for how judges behave. As for non-judicial interpretation of the Constitution, one wonders why citizens who do not antecedently agree with Balkin's political commitments would adopt his method of constitutional interpretation or any other method at odds with their political preferences.

Three other contributors—Vicki Jackson, Harold Koh, and Frank Michelman—up the ante by urging courts to use foreign and international law to interpret the Constitution. In several recent cases the Supreme Court has done just that, holding that the execution of mentally retarded people and people who committed capital crimes as juveniles violates the Eighth Amendment, in part because most countries do not permit executions of such people, and because some international instruments frown on such practices. The involvement of foreign courts provides the needed chastening of Warren Court hubris: American judges will work humbly arm in arm with foreign judges to improve our political order.

This approach might yet become the progressive successor to Warren Court-style "activism." But it has several problems. First, most countries are not in fact more liberal than the United States, and many are far less so. So which foreign law to use? Reliance on foreign and international law to achieve progressive ends would have to resort precisely to the sort of selective use of sources that critics of originalism impugn conservative judges for employing in domestic law. Koh agrees that American courts

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should not incorporate the law of Zimbabwe, but should engage in the "selective incorporation of the best practices of international and foreign law." Best, according to what standard? Koh's own academic work is an industrious picking and choosing of international and foreign law that protects the rights of women and minorities, as opposed to the countless illiberal foreign norms that curtail free speech, protect against "religious defamation," and promote an inquisitorial model of criminal procedure. Parochial to the core, Koh seems to think that whatever is not progressive according to American lights is not "best."

And there is another significant problem, a cultural problem, about the proposal that American courts rely upon foreign law. It is that Americans hate the idea of global constitutionalism. The idea is a godsend for conservative talk-show hosts. It dips deeply into two vast reservoirs of American populism: the fear that cosmopolitan elites will sell us out to foreigners, and the fear that judges will impose their policy preferences on democratically elected representatives.

So where are we left? Balkin and Siegel promise a distinctive approach to constitutional interpretation that relies on the notion of an evolving or living Constitution, and will promote a progressive agenda. It will avoid the Scylla of judicial restraint and the Charybdis of Warren Court constitutionalism. But as a group the contributors avoid neither hazard. The minimalists endorse judicial restraint. The non-minimalists offer various piecemeal or comprehensive constitutional visions with courts at the core. Some suggest greater deference to the legislature or public opinion, or a greater willingness to revisit precedent after public rejection. But these wrinkles have always been a part of the broad tent of Warren Court constitutionalism.

The idea of dialogue—a back-and-forth between the Court and political actors—offers more promise as a genuine third way. But the contributors fail to flesh out this concept. For all their cosmopolitanism, they ignore the constitutional debates in other countries where the use of this term in constitutional settings originated. Some countries, such as the United Kingdom, use a weak form of quasi-constitutional judicial review in which judges can declare statutes incompatible with higher legal obligations, but lack the power to actually override those statutes. In other countries, courts can strike down laws but governments can reinstate them. Some constitutions give legislatures the formal authority to override a judicial decision by reenacting the law that has been struck down, sometimes after additional legal formalities. Foreign constitutions are also usually easier to amend than is our own. In many cases, foreign governments can amend the constitution after a court interprets it in a way that the government disapproves of. Foreign commentators sometimes refer to these processes as dialogue, because of the back-and-forth between legislature and court.

But the experience in foreign countries offers little hope for progressives. Foreign courts develop constitutional norms, but legislatures have some ability to veto. When courts keep their rulings within the mainstream of public opinion, the legislatures will not veto. In such a model, judicial doctrine can be only as progressive (or as reactionary) as public opinion is. In any event, the American political system offers only the most limited opportunities for dialogue between courts and political institutions. Supreme Court interpretations of the Constitution cannot be overturned except by constitutional amendment—a nearly impossible procedure—or through the slow process of replacing justices after they retire, or through an occasional spasm of public outrage, which by its nature cannot realistically occur every time the courts depart from both law and public opinion to enforce the judges' idiosyncratic preferences. The upshot is that in the United States dialogue occurs, but only rarely.

And when dialogue does occur, the results are not necessarily progressive, as may be seen in a recent flap over the use of foreign and international law in judicial review. As mentioned above, the Court used this method in a handful of cases involving the death penalty and other issues; Congress got wind of the practice and protested. One legislator proposed a resolution opposing the practice generally, and the Military Commissions Act of 2006 prohibited the use of "foreign or international source[s] of law" as a basis for judicial decisions on the subject. In Senate confirmation hearings for Chief Justice Roberts and Justice Alito, senators pressed the nominees on this issue, and the nominees offered assurances the senators that they would have no truck with foreign- and international-law-influenced interpretation. Meanwhile, the liberal wing of the Court has, for the time being, reduced its citations to foreign and international law in constitutional cases, though some members continue to defend the practice in speeches.

This is probably not the sort of dialogue that the liberals in *The Constitution in 2020* have in mind. Since legislators are not uniformly or even mostly progressive, not even after President Obama's rout of the Republican Party, dialogue offers few opportunities for progressive politics. Some of the contributors seem oblivious to the problem that dialogue can produce reactionary or retrograde outcomes. Victims of an updated version of the Whig theory of history, they implicitly equate all "change" with "progressive change," overlooking that—as Justice Scalia has emphasized—change is liable to go backward as well as forward. The minimalist progressives, to their credit, are worried about this in the judicial setting, and fear that empowering the courts will harm the progressive cause on balance. A large number of Rehnquist Court and Roberts Court opinions—striking down a gun control law, affirmative action programs, campaign finance legislation, a violence-against-women law, and much else—provide ample cause for alarm.

The more sophisticated of the non-minimalist progressives in this book are aware of the downside of dialogue between progressive courts and a relatively conservative populace. This may explain why they eschew the foreign model of dialogue between courts and legislatures, and instead try to develop an American version that emphasizes dialogue between the courts and social movements, such as the civil rights movement on the left and the gun rights movement on the right. These movements have goals that are more extreme than those of public opinion as reflected in legislatures, but they can advance their agenda if they find a receptive audience in the Supreme Court. Decisions that go their way can stick as long as minority coalitions in the legislature can block a move back to the status quo. So the progressive agenda in legal theory boils down to this: wait for the eruption of a new left-wing social movement, and hope that enough Supreme Court justices sympathize with its aims.

Yet the contributors bewail the right-wing political movements that formed in reaction to Warren Court decisions. They do not praise them as a contribution to the type of dialogue that can provide the basis for a progressive jurisprudence. Indeed, their bête noir—originalism—is for them the excrescence of a social movement in dialogue with the courts. So social movement dialogue offers no more certain hope for progressive politics than dialogue with legislatures,

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or indeed straightforward minimalism. This may explain why the contributors never develop this idea, but just wave it like a flag. The vaguely left-wing connotation of the word "dialogue" is the whole of their argument.

In this respect, and also more generally, *The Constitution in 2020* displays an odd mix of sophistication and naïveté, of brazen political scheming and political caution. Although some of this is doubtless due to latent disagreements among the book's multiple authors, there is a key tension at the heart of the book's enterprise. Common to nearly all the authors are two commitments—a commitment to using law to promote a progressive political agenda, and a commitment to public candor about the first commitment; but these are incompatible, at least in pragmatic terms.

In what used to be the standard legal-theory game, legal scholars would attempt to derive their theories from normative premises and factual beliefs that nearly everyone accepted. Originalists, for example, appealed to the idea of a separation of law from politics, the genius of the Founders, the commitment to democracy, and the institutional limitations of courts, including the tendencies of judges to be influenced by their political preferences. Other schools also appealed to democracy while de-emphasizing the genius of the Founders because of the fear of the dead hand. The representation-reinforcement school associated with John Hart Ely, for example, argued that courts should ensure that everyone can participate in politics but should not impose substantive political outcomes. Those advocating judicial restraint or minimalism also appeal to democracy and the limits of the judiciary. Critics would accuse theorists of smuggling in their political values, but theorists would never admit to this, and seemed sincerely committed to finding a constitutional scheme to which all could agree.

The progressives in this book, with a handful of exceptions, do exactly the opposite: they try to reverse-engineer a constitutional methodology that would produce their preferred political outcomes. Even more oddly, they do not confine this discussion to a back room or a faculty lounge. They are open about the political motives of their thinking. They proudly announce their agenda. "We progressives," they say, over and over, need a methodology that does for progressivism what originalism (in their view) has done for conservatism: reliably cause the Supreme Court to implement progressive outcomes, or at least provide rationalizations for those outcomes.

The candor would be commendable if it were not also loopily self-defeating. Whatever you think of the motivations of Supreme Court justices, they never say that they decide cases in order to advance a political agenda. Yet the contributors to this volume are in effect asking them to do just that. By adopting democratic constitutionalism, redemptive constitutionalism, or any other method openly defended as a tactic for achieving a political agenda, the justices would be signaling their intention to use their position to advance political aims. For *The Constitution in 2020*, the abandonment of the ideal of judicial impartiality is too obvious to deny. No nostalgic dwelling on lost illusions here. But Supreme Court justices could hardly take this stance, whatever they may believe.

And so this book may be the first of its kind: it announces and terminates its research agenda in a single volume, strangling itself in the crib. Likewise, it is self-contradictory of the contributors, or at least the editors, to advocate a dialogic theory of constitutionalism and in the same breath to assume, to stipulate in advance, that the dialogue will or must produce progressive results. One of the pragmatic preconditions for genuine dialogue is a willingness on the part of sincere participants to change their commitments, and to follow the exchange of views wherever it leads. Otherwise dialogue is merely a tactic, all the more cunning for sounding so benign.

The conservative legal movement, despite its severe failings, at least adopts an internally consistent theory of judicial motivations and an internally consistent account of the relationship between politically oriented legal theorists and the judges who consume their output. The conservative legal academics who offer originalist arguments to conservative judges in effect provide those judges with theoretical tools to rationalize their policy preferences. But neither the academics nor the judges ever admit that this is what happens, perhaps because of norms against so admitting, or because of self-deception and cognitive biases that militate against self-awareness. Whatever the causes, it is an essential condition for the success of the conservative legal movement that this should be so. It must believe in the innocence of its reasons, or at least pretend to believe in them. The conservative political inflection of originalism is a truth that dare not speak its name, and it only succeeds because it is such.

We are left with a puzzle. *The Constitution in 2020* is not only less than the sum of its parts, but also much less than the progressive legal movement requires. Why is this? The contributors to the volume are legal theorists of goodwill and intelligence, sincerely dedicated to the common good as they see it. But they have little that is new to contribute to legal theory, beyond vague talk of "justice" and "dialogue," and a few reflexive tics of the progressive legal academy, such as the repeated insistence that a "substantive" constitutional vision is both necessary and unavoidable—a kind of contentless meta-conviction that something or other simply must be believed. The clearest conviction that emerges from these pages is the belief that if originalism has worked for conservatives, there must be a left-wing doppelgänger that will work for progressives—but this is a wish, not an idea.

The central problem for today's progressive legal movement is that successful institutions, manifestos, and political programs must draw their strength from theoretical innovation, and not the other way around. The basic concepts of the conservative legal movement, above all originalism, are in our view pernicious innovations, theoretically untenable and applied selectively in practice: about this we agree with the progressive critics. But the conservative legal movement did one big thing exactly the right way. Its theoretical ferment and innovation, while inspired by politics and funded by groups with political agendas, preceded the institutionalization of the movement and the development of its catechisms.

Judging by the evidence here, the progressives have not as yet found a coherent alternative to the conservatives' originalism. Wishing for alternatives and talking a great deal about a "living constitutionalism" and "justice" are not enough. What might be enough is a prolonged exile in the wilderness, chafing against an extreme conservative-originalist Court. A progressive Long March would generate the deeply felt political anger and sense of desperate isolation—as opposed to the cozy, mutually supportive, semi-serious progressive outrage so evident during the Bush years—that impelled the initial creative phase of the conservative legal movement. Progressive scholars might do well to hope for things to get worse, so as to get better. If Obama's victory is a triumph for progressive politics, it may portend disaster for progressive legal theory. ◆

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Washington Diarist

Leszek

Sometimes nothing is more enchanting than disenchantment. I had the good fortune to have been born late in the intellectual wars about Marxism, and far away from the Marxist tyrannies, and I never was a Marxist; but when I was a student I suffered for a while from the suspicion that the Marxist tradition contained important truths, and that only it contained them. Marxism, after all, explained everything; and I was not yet smart enough to hold this against it. The intellectual sophistication of the tradition seemed incontrovertible; and I was not yet familiar with the stylistic cunning of apologetics and polemics, modern or medieval, which can spin into existence a vast and intoxicating literature without ever examining its own foundations. I was a liberal, but an infirm one—infirm liberalism being the liberalism that fails to engage its enemies on the left as ferociously as its enemies on the right. It is hard for a young man to walk away from the satisfactions of radicalism, in the way that it is hard for a young man, say, to understand *Middlemarch*. So I read widely in the Marxist tradition, despite my belief in the inadequacy of a materialist view of life and the absurdity of the idea that justice may be established by means of a dictatorship. I half-wanted to fall under its spell, to find a small place in its saga; and I wondered also whether it might go with my Jewishness. (Enter Borochov!) And I record all this with embarrassment, so as to praise the memory of the great man who embarrassed me. He died last week.

In 1975, at All Soul's, in Oxford, I participated in Leszek Kolakowski's seminar on Pascal. It fell to me to report on Lucien Goldmann and his celebrated interpretation of Pascal, and more generally of Jansenism, as the expression of the perplexity of a particular social class in seventeenth-century France, the *noblesse de robe*, which responded to its increasing isolation from the king, in the years of the emergence of monarchical absolutism and its powerful bureaucracy, with the tragic mystery of the *deus absconditus*, the hidden God. Here, I supposed, was a scholarly and unpolitical and humanistic Marxism; and I was encouraged to learn that Goldmann was never a Stalinist, or even a member of the Communist Party. At Blackwell I sprung for the hardcover of Goldmann's book, and threw myself into it. There was no way I could have known that Kolakowski was at the time revising his own view of Goldmann's work. In a Polish journal, in 1957, he had given it a mixed review, but he was no longer so clemently inclined. His new, and devastating, analysis of Goldmann appeared a few years later, in the third volume of *Main Currents of Marxism*. So when I turned up with my own mixed review, the stage for my education was set. Kolakowski heard me out, and congratulated me on some of my comments about Goldmann's affinities with Lukács, and then proceeded to his own account of the text and the theory. He swiftly demonstrated the crudity of Goldmann's assumption of a "one-to-one correspondence" between the social position of a class and its cultural expressions; and then he went further. He launched into a lecture—I will never forget it—about the distinction between "actual class-consciousness" and "possible class-consciousness," and the damage that it did to humanistic understanding. The notion of possible class-consciousness, or *zugerechnetes Bewusstsein*, was Lukács's innovation. It taught—these are Kolakowski's words in *Main Currents of Marxism*—that "by relating the empirical consciousness of a social class to the 'totality' of the historical process we can discover not only what that class actually thinks, feels, and desires, but also what it would think, feel, and desire, if it had a clear, unmystified understanding of its position and interests." The Marxist historian, in other words, knows not only what was, but also what should have been; and it is on the basis of what should have been that he knows what was. About this pseudo-omniscience Kolakowski was withering. So even the "humanism" of Goldmann was another engine of necessity, and hermeneutically coercive, and indifferent to actuality.

As Kolakowski said—I am quoting again from his Goldmann chapter, but I can hear him saying it—"we know that in practice all kinds of circumstances contribute to the formation of a worldview, and that all phenomena are due to an inexhaustible multiplicity of clauses." *That* is humanism, and also liberalism. My *Bewusstsein* was never quite the same.

We became friends. And the disenchanter became the re-enchanter, because what most stimulated Leszek was the ancient but unantiquated search for truth that used to be described affectionately as metaphysics. He came to Goldmann because of Pascal, not to Pascal because of Goldmann. Or more precisely, Goldmann came to him, cruelly, with the caprices of history, in the poisoned air of Marxism-Leninism in Poland; but when Goldmann died for him, Pascal still lived. Leszek exposed the theological character of Marxism because he was a student of theology—he referred to Lafargue as "one of the principal *scriptores minores* of the Marxist canon," and *Main Currents of Marxism* might be described as a critical study of socialist patristics. He could tell a doctrine with integrity from a doctrine without it. Nobody contributed more than him to the systematic philosophical demolition of Marxism—he mastered what he hated as brilliantly as what he loved; and others will laud him for this. I wish to recall Leszek gratefully as a democrat with a metaphysical interest. There are not many liberals who prefer to discuss Ockham or Cusanus. He made reason soulful. I found in him an uncommon example of the spirituality of philosophy. His sympathy for religion was owed not to a settled faith—the elusiveness of certainty was one of his lifelong themes—but to a conviction that religion was another home for philosophy, a sanctuary for its questions and (some of) its answers in a culture that was indifferent to it and an academy that had professionalized it. There was an almost taunting quality to his essays about the conceptual richness of religious thinkers. And yet Leszek was a perfect stranger to piety, with his weathered ironies and his worldly cigarettes. In 1966, he delivered a legendary "revisionist" speech, which resulted in his expulsion from the Party and the loss of his position at the university in Warsaw, and published an essay on "the epistemology of striptease." A dissent, and a dissent. Before the uncompromised defense of justice and pleasure, tyrannies may tremble, and even fall.

Leon Wieseltier

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You deserve a factual look at . . .

The Two-State Illusion

Would it solve the Middle East problem?

There seems to be almost universal consensus that in order to bring peace to the Middle East the creation of a Palestinian state is unavoidable. What is more, such a "solution" is the policy of the United States.

What are the facts?

The lesson of Gaza Israel is surrounded by enemies. In previous *hasbarah* (educating and clarifying) messages we made clear that a Palestinian state would be impossible for Israel to accept. It would lead inevitably to Israel's destruction. The reason is primarily the lesson learned from the Gaza experiment. Under pressure from most of the world, Israel evacuated Gaza, displacing hundreds of families who had lived there for generations and who had built substantial communities and extensive agricultural installations. Instead of making even the least gesture of acknowledgment and gratitude, the Palestinians, almost from the very first day of their "liberation" from the hated Jews, began to lob rockets into Israel. Ultimately, Israel was forced to defend itself against those attacks and invaded Gaza in force. There was much damage and many casualties. As could be expected, "world opinion" condemned Israel's defensive action and called it "disproportionate."

> "...the ultimate goal is not... a Palestinian state... but the destruction of Israel."

If Israel were foolish enough to yield to the unrelenting pressure and were to turn Judea/Samaria (the "West Bank") over to the Palestinians, it would find itself surrounded by enemies, whose ultimate goal is not the creation of a Palestinian state but the destruction of Israel – to use the common rhetoric, to wipe Israel off the map and push the Jews into the sea.

Statehood opportunities rejected. The reality is that the Palestinians are not really interested in their own independent state. Such a state never existed and the concept of a "Palestinian" people is a fairly new one. If the Palestinians were really interested in their own state, if that were their aspiration, they could have had such a state side-by-side with Israel, for a very long time. The first partition of Palestine – all of which, by the Balfour Declaration and by the mandate of the League of Nations was to be the Jewish home – occurred in 1921. Winston Churchill, who was then the Colonial Secretary, split the mandated territory, allocating the great bulk to the Arabs for the creation of what is now the Kingdom of Jordan. But, of course, that did not satisfy the Arabs. After much bloody fighting over the decades, other efforts were made to create an additional state for the Arabs (who by then called themselves "Palestinians"). There was the Peel Partition Plan of 1937, and, most importantly perhaps, the United Nations Partition Plan of 1947. Under the UN plan, the territory west of the Jordan River was to be split, with the major portion to be allocated to the Arabs and the smaller, disconnected, portion going to the Jews. Jerusalem, a bone of contention, was to be "internationalized" – it would not belong to either. The Jews, anxious to form their state, accepted this plan under which they were granted only a small fraction of the "Palestine" that they had been promised to be their homeland by the Balfour Declaration and by the mandate of the League of Nations. But the Arabs rejected the partition out of hand. Almost the same day that Israel declared its statehood and its independence, six Arab armies invaded Israel from north, east and south. In what could be called a Biblical miracle, the ragtag Jewish forces defeated the combined Arab might.

Following the Six-Day War of 1967, in which Israeli forces defeated the combined invasion forces of Egypt and Syria, Israel offered generous terms for the formation of a Palestinian state. But it was not accepted. Instead, the Arabs convened in Khartoum (Sudan) and pronounced their famous Three No's: No peace with Israel, No negotiations with Israel, No recognition of Israel. Other offers of statehood were made over the course of the years. Ehud Barak, then prime minister of Israel, and U.S. President Bill Clinton offered the Palestinians almost total withdrawal to the 1967 armistice lines. The Palestinians rejected the offer, presumably because it did not include Israel's willingness to accept hundreds of thousands of Palestinian "refugees," who would with one stroke accomplish what the Arabs had not accomplished in their wars: the destruction of Israel. The creation of a Palestinian state could have been accomplished many times. But it is the unalterable goal of the Palestinians, indeed of most Arabs and most Muslims, to destroy the Jewish state and never to recognize and legitimize Israel in whatever shape and size as a Jewish state.

It is important to understand that the creation of a Palestinian state is not the true ultimate goal of the Arabs. It is, at best, meant to be a stepping stone toward the ultimate goal: the destruction, the disappearance of Israel and of the hated Jews from any portion of what they consider "holy Muslim soil." The Arabs are not interested in putting an end to the suffering of the Palestinian people. That could have been accomplished long ago. On the contrary, to be martyrs is a source of pride and assurance of victory to the Arabs. They compare their willingness to sacrifice hundreds of thousands of their own with the Zionist enemy, who is concerned about combat losses or even the fate of one single abducted soldier.

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